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## **SECTION 1 - PURPOSE AND AUTHORITY FOR PERSONNEL REGULATIONS**

The purpose of these regulations is to establish and set forth a system of uniform and appropriate personnel administration for the City of College Park personnel. These regulations are promulgated by the Mayor and Council with authority contained in Article 23A, § 2 (19) of the Annotated Code of Maryland.

These personnel regulations are an implementation of the City Charter and Code. Applicable Charter and Code references are:

<b>Charter</b>	<b>Page</b>
Article VII	
C7-1 Employment of Personnel	C:14
C7-2 Merit System	C:14
Article IX	
C9-1 Discrimination	C:19
C9-3 City Manager	C:20
<b>Code</b>	
Part I Administrative Legislation	
Ch. 4 Administrative Organization	4:1
Ch. 27 Defense and Indemnification	27:1
Ch. 38 Code of Ethics	38:1
Ch. 62 Personnel and Employee Benefits	62:1

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### Note:

- All references to employees designate both sexes, and wherever the male or female gender is used alone it shall be construed to include both male and female employees. Third-person plural pronouns may also be used to refer to an individual without denoting gender.
- The Interim or Acting City Manager has authority to act for the City Manager in the City Manager's absence.
- All references to City Manager or department head shall mean any employee who has been designated with the authority to act for the City Manager or department head in a particular area of responsibility.

## **Section 1.1 - Personnel Policy Objectives and At-Will Employment**

The Personnel Regulations are written and distributed in order to communicate our policies to our workforce and to comply with federal, state, and local laws. The Personnel Regulations are not meant to create any contract between the City and its employees. While we hope that our relationship will be long and mutually beneficial, it should be recognized that all employees without a specific contract signed by the Mayor or the City Manager or covered by the bargaining agreement are employees-at-will. This means that either the employee or the City may terminate employment at any time, with or without cause or notice.

## **Section 1.2 - Responsibility of the City Manager**

The City Manager shall be the Personnel Officer and may delegate some or all of the personnel functions to the Human Resources Director or other department head. The City Manager shall be responsible for policy and direction of personnel matters contained in these regulations that shall apply to all City employees except those specifically exempt in Section 1.3. All personnel files, policies and records shall be maintained in the City's Human Resources Department.

## **Section 1.3 - Employees Excluded from Policies**

These policies shall be applicable to all employees of the City except where other arrangements are made, in writing, for:

- a. Elected officials;
- b. Appointed board and committee members;
- c. The City Manager;
- d. Employees within union bargaining units only to the extent that the provisions of collective bargaining agreements are inconsistent with the provisions of these policies.
- e. Temporary and contractual employees; and
- f. Off duty, part-time sworn police officers hired to provide supplemental police services in the City.

## **Section 1.4 - Interpretation and Amendment of Personnel Regulations**

The City Manager shall have sole authority for the interpretation of these regulations and shall resolve all questions relating to the application and interpretation of these regulations. The City Manager shall have sole authority to add, amend, make exceptions to, or delete regulations and administrative policies at any time, other than those involving issues for which authority is

specifically reserved to the City Council, including §62-4 of the City Code, if such change is deemed to improve City operations and service to the public.

## **SECTION 2 - EQUAL EMPLOYMENT OPPORTUNITY**

The City of College Park provides equal employment opportunities and practices to all employees and applicants for employment without regard to race, religion, sex, age, ethnicity, ancestry or national origin, physical or mental disability, color, marital status, sexual orientation, gender identity, genetic information, political affiliation, or other legally protected status. Sexual harassment, bullying and other forms of illegal discrimination and behavior shall not be tolerated in the workplace.

### **Section 2.1 - Affirmative Action**

To further the principle of equal employment opportunity for all, the City of College Park shall consider the guidelines of affirmative action in all recruitment activities and employment actions.

### **Section 2.2 – Prohibited conduct**

Improper interference with the ability of College Park employees to perform their expected job duties or to work in safe, non-hostile environment is not tolerated. Examples of prohibited conduct would include, but are not limited to, physical contact of a sexual or threatening nature; sexual, racial, ethnic or religious related jokes, comments, insults, foul language, cartoons or innuendos; or personal conduct or mannerisms that could be construed as offensive.

It is the City's policy to take affirmative action to prevent such unwanted conduct from occurring and to deal with all such reported incidents in an impartial and prompt manner.

### **Section 2.3 - Sexual Harassment**

With respect to sexual harassment, the City of College Park specifically prohibits the following:

- a. Unwelcome sexual advances, requests for sexual favors and all other verbal and physical conduct of a sexual or otherwise offensive nature, especially where:
  - i. submission to such conduct is made explicitly or implicitly a term or condition of employment.
  - ii. submission to or rejection of such conduct is used as a basis for decisions affecting an individual's employment, or
  - iii. such conduct has the purpose or effect of creating an intimidating, hostile or offensive working environment.
- b. Offensive comments, jokes, innuendos and other sexual oriented statements.

Each member of management is responsible for creating an atmosphere free of discrimination and harassment, sexual or otherwise. In addition, employees are responsible for respecting the rights of their co-workers.

## **Section 2.4 - Bullying**

The City of College Park also specifically prohibits employees from “bullying” others.

- a. “Workplace Bullying” is defined as systematically and chronically inflicting physical hurt or psychological distress to another person at the place of work or in the course of employment.
- b. Examples of bullying include, but are not limited to:
  - a. Personal attacks, such as angry outbursts, excessive profanity, or name calling);
  - b. Personal insults and use of offensive nicknames;
  - c. Public humiliation;
  - d. Encouragement of others to turn against the targeted employee;
  - e. Spreading rumors and gossip about the targeted employee;
  - f. Sabotage of a coworkers’ work product or undermining of an employee’s work performance;
  - g. Threats of abuse to an individual or an individual’s property;
  - h. Making threats about job security without foundation; or
  - i. Repeated infliction of verbal abuse, insults, and epithets.
- c. Bullying conduct does not include:
  - a. A single incident of unreasonable or offensive behavior;
  - b. Disciplinary action taken in accordance with policy, regulation, or applicable law;
  - c. Routine coaching and counseling, including feedback about and correction of work performance or conduct;
  - d. Individual differences in styles of personal expression which may lead to conflict, provided the expression is not meant to intimidate; and
  - e. Having differences of opinion on work-related concerns.

## **Section 2.5 - Complaint Procedure**

If an employee experiences any job-related harassment or bullying prohibited by these regulations or applicable law, or believes that they have been treated in an unlawful, discriminatory manner, the employee should promptly report the incident to their supervisor who will investigate the matter and take appropriate action, including reporting it to the department head or other appropriate official, or to the Director of Human Resources or the City Manager. If the employee believes it would be inappropriate to discuss the matter with the supervisor, the employee may bypass the supervisor and report directly to a department head or the Human Resources Director or the City Manager who will undertake an investigation. The complaint will be kept confidential to the extent possible. If, as a result of the investigation, it is determined that any employee is guilty of harassing another individual or violating these policies or applicable laws, appropriate disciplinary action will be taken against the offending person, up to and including termination of employment.

The City of College Park prohibits any form of retaliation against any employee for filing a *bona fide* complaint under this policy or for assisting in a complaint investigation. However, if, after investigating any complaint of harassment or unlawful discrimination, the City determines that the complaint is not *bona fide* or that an employee has provided false information regarding the complaint, disciplinary action may be taken against the individual who filed the complaint or who gave false information. Similarly, disciplinary action will be taken against any employee who engages in retaliation against any employee for filing a *bona fide* complaint under this policy.

Nothing in this regulation is intended to prevent an employee from directly contacting the EEOC to file a complaint in addition to or in lieu of contacting City supervisors or using the City's reporting procedures. Telephone numbers and addresses for the local and state offices of the Human Relations Commission are available online or from the Human Resources Office.

## **SECTION 3 NEPOTISM AND FRATERNIZATION**

Nepotism in the workplace occurs when relatives or closely related persons are favored in employment decisions.

### **Section 3.1 - Purpose**

This Policy establishes the nepotism and fraternization policy for the City, intending to avoid conflicts of interest between work-related and personal/family obligations; reduce favoritism or even the appearance of bias; prevent personal/family conflicts from affecting the workplace; and decrease the likelihood of sexual harassment and/or gender discrimination in the workplace.

In addition, it will avoid favoritism or the perception thereof in the hiring or assigning of personnel within the City workforce; family members shall not be hired, assigned, promoted, or reassigned as supervisors or direct reports of family members. It will ensure effective supervision, internal discipline, trust, and positive morale and avoid the appearance of potential favoritism.

### **Section 3.2 - Scope**

The Policy applies to all City employees.

### **Section 3.3 – Definitions**

- 1) Relative or closely related person (also referred to as “related persons”), for purposes of this policy, as defined as a familial or other close relationship, whether by blood, adoption, marriage, or domestic partnership (e.g., a spouse, domestic partner, child, grandparent, grandchild, aunt, uncle, brother, sister, first cousin, niece, nephew, any corresponding in-law or step- or foster relation), as well as any persons residing in the immediate household and any individual currently or within the prior one year sexually or romantically involved in a consensual relationship with any City employee.
- 2) Supervisor: any position in the pay plan shown as Director, Manager, Supervisor, Crew Supervisor, or others with supervisory responsibility for the employee.
- 3) Fraternization: the interaction between co-workers that extends beyond business relationships.
- 4) Dating: includes but is not limited to one or more social meetings under circumstances that may lead to the exchange of personal affection and sexual or physical intimacy.
- 5) Cohabitation: applies to those employees who live together in a romantic and/or sexual relationship without being married to one another.

- 6) Significant Other: a relationship between an employee of the City and another individual as defined herein and/or elsewhere in the policy.
- 7) “Romantic and/or sexual relationship” refers to when two City employees become personally or romantically involved with each other to the point that there is dating, exchange of personal affection, sexual or physical intimacy, and/or cohabitation.
- 8) “Employment Decisions” refers to the full array of employment-related actions that occur in the City, including but not limited to hiring, supervision, promotion, compensation, work hours, performance evaluation, termination, and decisions involving other terms and conditions of employment.
- 9) “Nepotism,” as used in this policy, means favoritism in the workplace based on a familial or a similar close relationship, including those with whom one has had within the prior two years or currently has a consensual romantic or sexual relationship.

### **Section 3.4 – Prohibited Behavior**

- 1) Employees involved in a romantic and/or sexual relationship with another City employee may not work directly for, or supervise, the employee with whom they are involved.
- 2) Romantic and/or sexual relationships between supervisors and subordinate employees are prohibited.
- 3) Individuals should not be employed in, transferred, or promoted to a position or in an appointment involving employment decisions made concerning the individual by a relative or closely related person.
- 4) In addition, except as otherwise approved, multiple related persons should not report to a common supervisor.

### **Section 3.5 – Disclosure and Reporting of Relationships**

All employees must disclose romantic and/or sexual relationships within this policy. Disclosure should be made by people involved in such relationships but may be made by others who are aware of such a relationship.

All such reports/complaints will be treated as confidentially as feasible. Retaliation against a person who reports a violation of this policy is prohibited.

### **Section 3.6 – Enforcement and Implementation**

The City reserves the right to investigate situations in the workplace to determine whether a romantic and/or sexual relationship exists and therefore presents a violation of this Policy. If the City determines that a romantic and/or sexual relationship (as defined by this Policy) exists, remedial and/or disciplinary measures, including but not limited to a transfer,



reassignment, or dismissal, shall be utilized to mitigate issues that arise relevant to the enforcement of this Policy.

The City retains the right to refuse to place employees engaged in romantic and/or sexual relationships prohibited by this Policy in the same Department where it can potentially adversely impact supervision, safety, security, or morale or involves potential conflicts of interest.

To implement such policies, and where the above circumstances exist and mandate that employees shall not work in a romantic and/or sexual relationship, the City will attempt to transfer one party to a similar classified position in another City Department, should such a position exist, be available, and should the employee possess the skills and qualifications necessary to perform the essential duties of the position.

Although the wishes of the involved parties as to which individual will be transferred will be considered by the City. The controlling factor in determining the transfer is the positive operation and efficiency of the City. If any such transfer results in a reduction in salary or compensation, applicable and legally required due process procedures shall be applied.

In lieu of a transfer from one Department to another, or in situations where no similar counterpart classification exists to which an employee can be transferred, that employee may continue to be employed within the same City department subject to approval by the Department Director and the City Manager or designee.

However, any such continuing employment is predicated upon both subject employees:

- not reporting to the same immediate supervisor.
- not being supervised by each other.
- not working the same shift at the same work site.
- Or otherwise, becoming involved in a work environment potentially adversely impacts supervision, safety, security, or morale.

If continuing employment of employees in a romantic and/or sexual relationship prohibited by this Policy cannot be accommodated consistent with the City's interest, then the City retains sole discretion to separate one of the parties from employment.

The provisions of this fraternization policy are not applicable to individuals married and employed by the City on or before the date of adoption of this Policy in their current state of marriage. As such, a change in marital status/cohabitation, etc., of any current employee will result in the applicability of this Policy.

Furthermore, those employees are subject to any employment-related actions by the City that are permissible under existing City policies and procedures to address conduct negatively impacting the work environment.

## **SECTION 4 - RECRUITING/HIRING/APPOINTMENTS**

### **Section 4.1 - Recruiting/Advertising**

In the event of a vacancy, the City Manager may require justification for filling the vacancy from the appropriate department head. The Department Director should work with Human Resources to post or advertise the position internally first and if no suitable candidates are in the organization, the position will be posted externally. The bargaining agreement with AFSCME Local 1209 stipulates the posting requirements for vacant union positions.

- a. Application Forms - Application shall be made only online and using the forms provided by Human Resources. City employees shall apply for position vacancies by the same method as outside applicants. The closing date for applications will be shown in the advertising.
- b. Hiring Sources - Department heads shall use the applications received from Human Resources as the only source for employee hiring.
- c. Equal Employment Opportunity - All recruiting/hiring shall be in accordance with Sections 1.1, 2 and 3.
- d. High Turnover Positions - Position vacancies may be advertised to establish eligibility lists. The lists shall be established by a panel process and will be valid for a period not to exceed one year from closing date of the vacancy announcement.
- e. Recruitment Records Retention - Completed application forms, advertisement records, and interview panel results shall be kept for one (1) year or as required by law.

### **Section 4.2 - Interview Panels**

Interview panels consisting of at least three members shall be used during the hiring process whenever possible.

Ideally, a panel will include a Human Resources staff member, the hiring department's supervisor or director, and one subject matter expert or departmental representative.

### **Section 4.3 - Temporary Management Appointments**

The City Manager may make appointments at the management level on a temporary basis. Such appointments may not exceed a period of six (6) months.

## Section 4.4 – Employee Referral Program

### Purpose:

The purpose of the Employee Referral Bonus Program is to provide an incentive award to a current employee in a full-time equivalent (FTE) position who brings new talent to the city by referring applicants who are subsequently selected and successfully employed in a hard-to-fill position.

### Guidelines:

#### A. Eligibility:

- a. Applicant - Applicants are people not currently employed with the city.
- b. Referring Employee - All employees in FTE equivalent positions are eligible to receive a referral bonus except for the following:
  - i. Department Directors
  - ii. Selecting manager/supervisor or other persons associated with the selection of the candidate.
  - iii. All HR Department employees
  - iv. Related persons as defined by the current Nepotism and Fraternization Policy

#### B. Positions eligible for this program must be determined by the City to be “hard-to-fill” positions.

#### C. A Hard-to-fill position is determined by:

- a. how critical the position is to the city,
- b. the success of recent efforts to recruit candidates,
- c. recent turnover in similar positions,
- d. special qualifications needed for the position, and
- e. other unique factors that demonstrate difficulty in filling the position.

### Referral Bonus Amount:

The Referral Bonus Program is subject to the availability of funds per fiscal year, at the discretion of the Director of the Department of Human Resources.

### Referral Bonus Payments:

Payments will be made in two installments. The first payment is due after the referred applicant has worked for one month, and the second is due upon completion of the probationary period.

Employees will receive a \$250 referral bonus for the successful hire of new employees for a hard-to-fill position if the employee is still employed for six months.

- The referring employee must report the full name of the applicant and the position they are referring to [Humanresources@collegeparkmd.gov](mailto:Humanresources@collegeparkmd.gov)
- The applicant needs to write the employee’s name on the application.

Referred candidates cannot be current employees of the City in any capacity, including temporary, temporary grant, research grant, time-limited project, or contract employees. Referral bonuses do not apply to the rehiring of former employees or transfers within the city.

The hiring process will be fair and consistent with the City's policy and procedures, with no bias for or against candidates whose selection might make another employee eligible for a referral bonus.

## **SECTION 5 – EMPLOYEE CLASSIFICATION, PROBATIONARY PERIOD and TIME IN POSITION**

The City hires employees in several different classifications:

- a. Full-time regular employees are those hired to work a minimum of 40-hours per week throughout the year.
- b. Part-time regular employees with benefits are those hired to work 20 or more hours per week and less than 40 hours per week on average. Eligible benefits include certain insurances and paid time off. These benefits will be prorated in relation to a 40-hour week.
- c. Part-time employees without benefits are those hired to work less than 20 hours per week on average and whose work will continue beyond one fiscal year. This category of employee is not eligible for any benefits other than those legally mandated (such as worker's compensation, social security contribution, etc.)
- d. Temporary employees are those who are hired to work less than 500 hours during one fiscal year. This may include interns and those hired for special, limited projects. Employees in this category are only eligible for legally mandated benefits.

### **Section 5.1 - Probationary Period**

All full-time and part-time regular employees shall serve a probationary period when appointed to a position as a new employee or promoted to a position after a competitive process. The probationary period shall be used to evaluate an employee's work and performance. In the event it is determined that the employee's work or performance is unsatisfactory, the employee's employment may be terminated. In the case of an employee promoted after a competitive process, the employee may be reassigned to a position consistent with the employee's abilities, if one is available.

Department heads shall serve a probationary period of twelve months. All other positions shall serve a probationary period of six months which may be extended to no more than twelve months.

### **Section 5.2 - Interruption of Probationary Period**

An employee laid off during a probationary period shall be given credit for any portion of such probationary period, provided such employee

- a. is rehired in the same position, and
- b. rehiring occurs within one year of layoff, and
- c. work and performance prior to layoff were satisfactory.

### **Section 5.3 - Temporary Employees - Probation**

Employees who are hired on a temporary basis shall not serve a probationary period and are not eligible for any benefits other than those that are legally mandated. Any time served as a temporary employee shall not be credited towards any future probationary period unless the employment period was continuous from temporary to regular employee.

### **Section 5.4 – Time in Position - New and Promoted Employees**

Every newly filled position requires employee training that uses time and resources that should be used judiciously. To ensure stability of operations and maximum benefit of training time and resources, when a new employee is hired, or a current employee is promoted to a position in another department, it is expected that the employee will remain in the position for at least twelve months before applying for a position in another department.

## **SECTION 6 - EMPLOYEE PERFORMANCE EVALUATION**

### **Section 6.1 - Performance Evaluation Objectives**

The objectives of a Performance Evaluation include:

- a. A structured and recurring opportunity for supervisors to evaluate the performance of employees.
- b. A structured and recurring opportunity for employees to discuss the supervisory evaluation, provide input on the evaluation and develop future plans and goals.
- c. A basis to approve eligibility for a merit increase. To be eligible, an employee must average at least a 3 (good) rating in all categories on their annual evaluation.
- d. A basis for determining if employees in hierarchal positions are eligible to be promoted non-competitively.
- e. In the case of identical seniority, a partial basis for determining order of layoff when a position is eliminated.
- f. A basis for developing training plans.

### **Section 6.2 - Periods of Evaluation**

All regular employees shall receive a Performance Evaluation at least as follows:

- a. Probationary Employees: every 90 days and at the end of the probationary period.
- b. Non-Probationary Employees: Annually.

### **Section 6.3 - Timeliness of Evaluations**

Department Directors are responsible for ensuring that performance evaluations for all employees in their departments are completed in a timely manner. Ideally, performance evaluations should be completed and submitted to Human Resources within two (2) weeks of the due date so that any merit increase, bonus or personnel action based on the evaluation is not delayed. Tardy evaluations deny employees their rights to a timely discussion of their performance and future goals as well as delay a possible merit increase.

Performance evaluations not completed and submitted to Human Resources within sixty (60) calendar days after the due date may result in the denial of a merit increase for the Department Director the next time he or she is eligible. In addition, once the evaluation is completed and if the rating is satisfactory, the employee will receive any merit increase or bonus for which he or she is eligible retroactive to the due date of the evaluation.

Special performance evaluations may be rendered at the request of the employee or at the discretion of the employee's supervisor at any time.

Nothing contained herein shall be deemed to prevent a supervisor from entering comments in the employee's personnel file at any time, provided that copies of such comments are provided to the employee for review and comment.

#### **Section 6.4 – Who Prepares Evaluations**

Evaluations shall be prepared by the immediate supervisor of the employee who has supervised the employee for a period of not less than 90 days during the evaluation period. If more than one supervisor has supervised the employee for the appropriate number of days during the rating period, the preparing supervisor shall solicit input from the prior supervisors regarding the employee's performance during their part of the rating period.

Before discussing the evaluation with the employee, the preparing supervisor shall discuss the evaluation with the appropriate manager and department head to ensure that all relevant facts and information have been included and everyone agrees with the ratings.

#### **Section 6.5 - Evaluator's Review with Employee**

After review by the division or department head to ensure all relevant facts and information are included, the supervisor(s) responsible for preparing the evaluation shall discuss the performance evaluation with the employee. The employee shall be asked to acknowledge the evaluation by signing the form. If an employee disagrees with any statement in an evaluation, they may submit, within ten calendar days following the conference with the supervisor, a written statement which Human Resources shall attach to the evaluation form and forward to the City Manager. After final review by the City Manager or designee, the employee shall receive a copy of the performance evaluation, including any additional statements, from Human Resources.

#### **Section 6.6 - Evaluation Confidentiality**

Performance evaluations shall be confidential and shall be made available only to (a) the employee evaluated or his authorized representative; (b) the supervisor, division head, department head; Human Resources personnel; and (c) the City Manager. The evaluation and any attached statements shall become part of an employee's official City personnel record maintained by Human Resources. If an employee applies for a new position within the City, the employee's personnel file may be reviewed by the potential new supervisor and department head as part of the selection process.



## **SECTION 7 - SEPARATION from EMPLOYMENT**

### **Section 7.1 - Notice**

To resign or retire, an employee shall give at least fourteen (14) calendar days' notice to their supervisor or as much time as possible prior to the employment termination date. All scheduled workdays in the notice period must be worked in order to be considered proper notice. The supervisor shall immediately notify the department head who in turn will immediately notify Human Resources to assist in a timely termination of benefits.

Employees in management positions are expected to give at least thirty (30) days' notice of planned termination of employment to allow for the completion of projects, final performance evaluations of employees they supervise and other related management responsibilities.

Except in the case of FMLA or disability, accrued leave (sick, annual, personal, etc) days will not be paid during the notice period.

Failure to work the required proper notice period may make an employee ineligible for rehire and cause forfeiture of any accrued leave that may have been due upon termination.

### **Section 7.2 - Abandonment of Position**

An employee who does not report to work for three consecutive workdays without authorized leave shall be considered to have abandoned their position. The employee shall be notified in writing of the termination of employment at the employee's address on file with the City and the notification shall include any rights of appeal to which the employee may be entitled.

### **Section 7.3 - Reduction in Force**

- a. All plans for reductions in force shall be approved by the City Manager.
- b. Under a reduction in the work force, employees shall be laid off based on the following factors: temporary status, length of service with the City compared to others in the same job classification, plus the cumulative numerical performance rating for the last rated period.
- c. Employees affected by a reduction in force shall be notified in writing by the City Manager at least fourteen calendar days prior to the effective date of the reduction.
- d. If an employee is scheduled to be laid off, the employee shall be offered a reassignment to another position if a vacancy exists and the employee meets minimum qualifications to fill the position. If the employee declines an offer for a position at the same pay, the City has no further obligation to place the employee. They shall not be eligible for placement on a re-employment list.

## **Section 7.4 - Re-Employment Lists**

The Human Resources Department shall create and maintain all re-employment lists.

A regular employee who has been laid off as a result of a reduction in force or the abolition of a position shall be offered placement on a re-employment list for positions for which the employee may be qualified. An employee shall be retained on a re-employment list for up to one year. If an employee has not been re-employed by the City within one year, their name shall be removed. If an employee declines a re-employment offer, their name shall be removed from the list.

Temporary employees who are laid off at the end of the season or assignment may be offered placement on a re-employment list for temporary positions. If placement is accepted, the employee shall be retained on the list for up to six months. If the person declines a re-employment offer, their name shall be removed from the list.

## **Section 7.5 - Break in Service**

An employee who is re-employed within a period of thirty (30) calendar days after layoff or separation shall be assumed to have been in continuous service for the purposes of leave accrual. Except for the period between date of layoff or separation and re-employment, the re-employed employee shall be entitled to all annual and sick leave benefits which other employees receive based upon length of service.

## **Section 7.6 - Loss of Job Qualification(s)**

Employees are required to maintain any licenses, certifications, or other credentials ("Job Qualifications") required for their position. Employees who lose any required Job Qualifications must notify their supervisor and Human Resources immediately. Proper notice must include a statement of the Job Qualification lost, the date that the Job Qualification was lost (if known), the reason the Job Qualification was lost, and a statement of whether and when the lost required Job Qualification can be reinstated. (For example, if your driver's license is suspended or revoked on January 23, 2011 because of unpaid parking tickets, you must notify your supervisor immediately and inform him or her when the license will be reinstated.) Any employee who fails to notify the employee's supervisor and Human Resources of a lost Job Qualification in accordance with this policy will be subject to disciplinary action and possible termination.

Upon receipt of notice of Loss of Job Qualifications, the supervisor will work with Human Resources and the employee to determine: the date by which the Job Qualification must be reinstated in order for the employee to retain employment; whether the employee will be entitled to remain in their position (or an alternative position, if available) while awaiting reinstatement of the Job Qualification; and/or whether some other accommodation is appropriate and available.

## **Section 7.7 - Exit Interview**

The Human Resources Department may conduct an exit interview with any employee terminating employment with the City. Directors or Managers may conduct exit interviews with employees in their departments, offices or sections who are terminating employment with the City.

## **SECTION 8 - DISCIPLINE**

The City has a disciplinary policy that includes several types of discipline. The goals of the discipline policy are to assure that City employees follow reasonable standards of behavior; to assist employees in attaining satisfactory performance; and to help build a respectful, lawful, and safe working environment. The level of disciplinary action shall be consistent with the severity of the offense and shall be considered in entirety with any other disciplinary actions recorded in the employee's personnel file. The City reserves the right to modify or apply the policy in any way it deems appropriate for the circumstances, including acceleration of steps, exclusion of steps, or repetition of steps. Employees who develop several different problems that require discipline do not start over in the process with each new offense.

All disciplinary actions should be discussed with the employee, documented, and forwarded to Human Resources for inclusion in the employee's personnel file.

### **Section 8.1 - Basis for Discipline**

The following are some illustrative examples of what constitutes cause for disciplinary action up to and including discharge. This list is not intended to be all-inclusive.

- a. Prohibited political activity as defined in Section 19.
- b. Receiving money or things of value from others for political purposes or receiving a favor when it can be construed as favoritism, coercion, unfair advantage, or collusion in matters pertaining to the City.
- c. Conflicts of interest in the award of City contracts.
- d. Willful or repeated negligence in performing duties.
- e. Failure to obey lawful or responsible direction.
- f. Violation of laws, work rules, safety rules, personnel regulations, administrative policies, or department rules.
- g. Misuse of public funds.
- h. Falsifying reports or records, oral or written.
- i. Theft, abuse or misuse of City property or property of others on City premises.
- j. Willful misconduct; unsafe conduct.
- k. Possession, use of, or being under the influence of alcohol or illegal substances, or misuse of legal substances while on duty.

- l. Excessive tardiness and/or absence without justifying circumstances in the judgment of the department head.
- m. Unsatisfactory job performance.
- n. Dishonest or discourteous treatment of the public or co-workers.
- o. Possession of firearms or other weapons while on duty or on City property.
- p. Refusal to be examined by a licensed medical practitioner of the City's choosing for a job-related purpose.
- q. Engaging in violent or threatening verbal or physical behavior against a fellow employee or member of the public.
- r. Engaging in sexual harassment, bullying, or other illegal discrimination or harassment against another City employee or member of the public.
- s. Disclosure of confidential information to those without a legitimate need to know.
- t. Conviction of a felony or any infamous or disgraceful offense; or incarceration for a misdemeanor exceeding one week.

## **Section 8.2 - Types of Discipline**

### **Section 8.2.1 - Written Counseling**

This level of discipline is for a minor infraction or an issue that could grow into something more significant if not caught early and discontinued.

### **Section 8.2.2 - Written Reprimand**

More severe than a written counseling, a written reprimand may be issued as a first disciplinary step or following a written counseling.

### **Section 8.2.3 – Suspension or final written reprimand**

Suspensions without pay shall normally not exceed five (5) working days and may be imposed by department heads with approval of the Director of Human Resources and the City Manager. Suspension would normally begin no later than five (5) working days after:

- a. the offense, or
- b. when management could reasonably be expected to be aware of the event or situation,  
or

- c. the conclusion of a prompt investigation regarding the event or situation.

Suspension days should be consecutive scheduled workdays when convenient for management.

A department head, with the approval of the City Manager, may suspend an employee, with or without pay, for an indefinite period if it is deemed in the best interest of the City during an investigation of a disciplinary matter, a hearing, or a trial of an employee for any civil or criminal charges.

There will be some serious situations when a suspension would not be an appropriate final disciplinary action (e.g. poor attendance, inability to perform a job function). In those cases, a manager may choose to issue a final written reprimand in lieu of a suspension. The final written reprimand should clearly state that any further infractions or problems will result in termination of employment.

#### Section 8.2.4 - Discharge

A non-probationary employee shall be notified in writing when their employment is being terminated by the City. The City shall include a statement of the primary reasons for termination. Non-probationary employees may grieve the decision to terminate their employment in accordance with Section 17 of these Personnel Regulations.

#### **Section 8.3 - Employee Rights following disciplinary action**

- a. A regular, non-probationary employee who has been disciplined has the right of appeal through the City's grievance procedure (See Section 17).
- b. At the employee's written request and provided the employee has not been disciplined during the thirty-month period, records of any discipline over thirty (30) months old and not involving discharge, suspension, or demotion shall be removed from the personnel file and destroyed.

#### **Section 8.4 – Confidentiality of Disciplinary Action**

The City will use its best efforts to keep disciplinary action confidential and limited to those with a need to know, including Human Resources, the employee, the employee's representative and supervisors, and the City Manager. However, there will be times when such limitation is not possible.

## **SECTION 9 - EMPLOYEE TRAINING AND DEVELOPMENT**

Employee development programs are key components of employee engagement, retention, and service improvement. The City Manager, department heads and supervisory employees should promote employee development and encourage employees to participate in job-related training programs within the parameters of the adopted budget. Training needs may be identified as part of the employee performance evaluation process by the employee, or by City management.

### **Section 9.1 - Training Categories**

Training categories are:

- a. Voluntary training undertaken for job-related self-improvement outside duty hours.
- b. On-the-job training which may be voluntary or mandatory, either at City facilities or off-site, to encourage improved employee performance. This includes conferences and seminars paid for by the City and attended during working hours.
- c. Extended full-time training at an educational facility that is required or offered by the City.

### **Section 9.2 - Reimbursement of Voluntary Education or Training Expenses**

When an employee voluntarily attends a job-related education or training program outside duty hours, the City may reimburse up to 75% of the costs of tuition, textbooks and other directly related expenses. This reimbursement shall occur after the following conditions have been met:

- a. The department head, the Director of Human Resources and the City Manager have pre-approved the request and stated that the education or training is job related and would enhance the employee's capabilities, and
- b. Sufficient funds are in the City's adopted budget, and
- c. The employee successfully completes the education or training for which reimbursement is approved with a passing grade of B or better, and
- d. The employee submits proof of payment and passing grade along with the completed forms.

An employee who receives reimbursement for the costs of a voluntary job-related education or training course or program must repay the City in full if they end employment with the City within one (1) year after completion of the course or program to which the City contributed to the cost. To the extent permitted by law, the City may collect such amounts from any sums due to the employee at the time of ending of employment. No repayment is required if the ending of employment is the result of a City-ordered reduction in force or lay off.

The City will not reimburse for the cost of an education or training course or program taken a second time due to failure to pass or complete the course the first time.

This benefit is not available to new hire probationary or temporary employees.

### **Section 9.3 – On the Job Training paid for by the City and attended during Working Hours**

Please see **Section 29 – Travel Policy** for more information.

### **Section 9.4 - Costs of Extended Training**

If the City requires an employee to attend an extended training program, the terms of the payment or reimbursement will be settled on a case-by-case basis in advance of the start of the training.

### **Section 9.5 – Extra Credentials**

As an incentive to encourage employees to further their skills and abilities, the City may give an additional one (1) or two (2) steps in an employee's pay grade for earned, additional job-related certifications, licenses, credentials, or degrees that are not listed in the employee's job description as required, provided such additional step will not bring the employee beyond the maximum of the range for the position. The extra step(s) awarded will not change the employee's anniversary date for annual evaluation and merit increase eligibility purposes. This benefit is not available to new hire probationary or temporary employees.

#### **Section 9.5.1 – List of Possible Extra Credentials**

The contents of the list and steps awarded may be changed at the discretion of the City Manager.

<u>Extra Credentials</u>	<u>Steps</u>
Registered Play Therapist	1
Registered Play Therapist-Supervisor	1
AICP (Planning)	2
CecD (Planning)	2
CDL- Passenger Endorsement	1
Associates Degree (Job Related)	1
Bachelor's or Higher Degree (Job Related)	2
Recognized professional certification in the field of work performed for the City	1



## **Section 9.6 – Performance Improvement Plans**

A Performance Improvement Plan (PIP) is a limited time opportunity for an employee, with training and guidance from the supervisor, to improve their performance before disciplinary action may be necessary. The goal is to raise all performance measures up to the level of satisfactory.

### **Section 9.6.1 - Timing and Length of a PIP**

The length of PIP is a management decision that should give the employee sufficient time to reach a satisfactory performance level and shall not usually exceed 90 calendar days. A PIP may be extended if improvement has been made and is ongoing. The supervisor shall not wait until the time of the annual evaluation to inform an employee that his/her performance has been unsatisfactory. A PIP should be initiated when an employee's performance has fallen below satisfactory and does not immediately improve after counseling. Failure to improve during the PIP period may be grounds for dismissal.

### **Section 9.6.2 – PIP for Attendance**

A PIP is not usually initiated for attendance when this is the only performance category that needs improvement. Because attendance is solely an employee's responsibility, supervisors are unable to assist, coach or train an employee to a satisfactory rating in this performance category. If attendance is unsatisfactory, a supervisor should proceed with counseling and then, if necessary, start progressive disciplinary action.

### **Section 9.6.3 – PIP Documentation**

A written PIP memorandum is prepared and presented by the director and/or supervisor and should contain:

1. Beginning and ending dates of PIP;
2. Areas targeted for improvement;
3. Specific expectations and goals to be met before the end of the PIP period;
4. Schedule of periodic, documented progress meetings (minimum of one per month with the director and/or the supervisor);
5. Consequences of failure to meet goals and expectations by the end of the PIP;
6. Signature lines for employee, supervisor, and director.

### **Section 9.6.4 – Performance Evaluation Ratings after a PIP**

A PIP started and successfully completed during the annual evaluation period will count as an extenuating circumstance for annual evaluation purposes. For example, an employee has a PIP initiated several months into the annual evaluation period. During the PIP, the employee improves in this area and has met the goals and expectations by the end of the period. From then until the annual evaluation date the employee's performance remains satisfactory. At the time of the annual evaluation, even though the employee may have struggled in a rating category, the

successfully completed PIP will count as an extenuating circumstance and allow for a rating of satisfactory. This should be noted in the written explanation of rating.

#### Section 9.6.5 – PIP - Merit Increase, Promotion, & Date of Annual Evaluation

An employee cannot be awarded a merit increase or promotion during a PIP, however this does not bar the employee from applying for other positions that may be open. A PIP is an employment action, and as such, will establish a new date for annual evaluations and merit increase eligibility if the PIP period extends beyond the end of the rating period or has been initiated as a result of the annual performance evaluation. A PIP started and successfully completed within a rating period will not establish a new date.

#### Section 9.6.6 - Retroactive Pay after PIP

If a PIP extends beyond an annual evaluation date, and a new date is thereby established, no retroactive pay will be awarded back to the prior date. Exceptions will be granted only for the supervisor's failure to evaluate and inform the employee in a timely manner. In these circumstances, retroactive pay may be awarded only for the period between the former annual evaluation date and the PIP initiation date, provided the PIP is successfully passed.

## **SECTION 10 - OFFICIAL PERSONNEL FILE**

A personnel file for each employee is maintained by Human Resources and is the only official source of information regarding the employee. All information regarding an employee's medical condition, including the results of alcohol/drug screening and/or referral to an Employee Assistance Program will be treated as a confidential medical record and maintained apart from the personnel file. No one will be allowed access to confidential medical records, or any part of an employee's personnel file except the employee and those persons with an official need to know.

### **Section 10.1 - Personnel File Contents**

The Personnel File shall contain all information that affects the status of the employee.

File contents include, but are not limited to:

- Original applications and resumes
- Hire and appointment letters and pre-employment information
- Performance evaluations and corresponding personnel actions
- Payroll deductions and tax information
- Benefit enrollments and change documents
- Signed receipts of policies, information, and City property.
- Memos and other correspondence to and regarding the employee
- Training and education certificates
- Awards and recognitions
- Disciplinary actions

### **Section 10.2 – Employee Review of File Contents**

An employee may inspect his personnel file during normal business hours upon reasonable notice to the Human Resources Director.

### **Section 10.3 - Records Retention**

Personnel and medical files shall be kept for at least the minimum number of years required by law or the City's records retention schedule after termination of employment.

### **Section 10.4 - Public Information**

The following information relative to employees and former employees is available to the public at reasonable times: name, position, salary range, dates of employment and rehire status. Only designated Human Resources and Finance Department staff are authorized to distribute this information.

## **SECTION 11 - PAY PLAN AND POSITION CLASSIFICATION**

### **Section 11.1 –Pay Philosophy**

As an employer, the City of College Park embraces a fair and equitable compensation plan to support achievement of the following goals.

1. The City strives to provide a total compensation program that is fiscally sound and equitable in the defined marketplace.
2. Benchmarking of select classifications is used as a best practice for compensation of similar positions.
3. Competitive ranges are established for all positions to provide the flexibility needed to adapt to market changes, maintain internal equity, and address needs of the City that will ensure a high level of service to the residents of the City.
4. Starting pay for new employees is based upon education and work experience related to positional requirements as well as market conditions.
5. Pay adjustments, other than allowances and supplements, are provided to employees when appropriate to address equity, market responsiveness, and consistency in the administration of the City's compensation program.
6. Employees are eligible for pay increases resulting from true promotions and reclassifications.
7. Part-time/temporary employees may not be eligible for the same benefits as full-time employees.
8. Fair Labor Standards requirements will be applied fairly and consistently to applicable positions.
9. Benefit plans and other non-cash compensation plans are reviewed periodically for competitiveness, cost effectiveness, and their value to employees and the City.
10. Pay ranges are reviewed as needed.
11. All final decisions on the administration of pay changes are subject to approval by the City Manager or their designee.

### **Section 11.2 – Pay Guidelines**

#### **Section 11.2.1 - Definitions**

1. Position

A position is a group of assigned duties, responsibilities and specifications requiring the full or part-time employment of at least one person. A position may be occupied or vacant. All positions shall have a job description.

2. Class

A class is a group of one or more positions that has a similar level of responsibilities; requires a similar level of qualifications and would be equitably compensated by the same salary range or pay grade.

3. Pay Grade

A market-based range of pay consisting of pre-defined steps from a minimum to a maximum. Employees may move from one step to another based on satisfactory performance during their anniversary year.

4. Pay Range

A market-based range of pay consisting of a minimum, a market-point and a maximum. There are no pre-determined steps and individuals paid within a pay range will be move based on their performance evaluation, budget parameters, and approval of the City Manager.

#### Section 11.2.2 - Job Descriptions

Job descriptions shall include a list of the essential duties, required education and experience and FLSA exempt or nonexempt status. A job description is intended to indicate the class/pay grade to which a position shall be allocated and may cover several positions in various departments responsible for some or all the same essential duties.

#### Section 11.2.3 – Pay Policies

##### Section 11.2.3.1 - New Position

When requesting a new position, the department head shall provide the required detailed information in a format acceptable to the Human Resources Director for development of a job description and position classification. All new positions must be approved by City Manager and Mayor and Council.

##### Section 11.2.3.2 - Change in Current Position and Request for Reclassification

To request a re-evaluation of a position's classification, the changes in the duties and responsibilities must be permanent and have been performed satisfactorily by the employee. The employee or the employee's supervisor shall submit a formal request, including a list of job additions and changes for review by the employee's supervisor. If the supervisor agrees that new duties and responsibilities have permanently changed the position, the supervisor shall approve by signature and send the written request to the department head. The department head shall review the request and if he or she agrees that new duties and responsibilities have permanently changed the position, the director shall approve by signature and submit the request to the Human Resources Director for re-evaluation of the position's classification and an updated job description.

After evaluation, the Human Resources Director will submit to the City Manager any new or changed position classifications that are recommended for approval. The City Manager's decision is final and shall not be subject to the grievance procedure. Those not recommended for approval by the Human Resources Director will be returned to the department head with notification to the City Manager. Any new or changed position classifications approved by the City Manager will be part of the City Manager's proposed budget for the following fiscal year or submitted to Mayor and Council at a time of the City Manager's choosing. Mayor and Council approve all positions, and position classifications.

#### Section 11.2.3.3 -- Reclassification and Promotion

1. When a job has been reclassified to a higher pay grade or an employee has been promoted to a higher pay grade, the employee's salary shall increase at least 5.0% in the new pay grade that includes the new salary, but is not more than the maximum salary of the new pay grade.

If the reclassification or promotion results in an upgrade of one pay grade, the pay raise will be moved upward at least 5.0% in the new pay range. An upgrade of two or more pay grades will be eligible for an additional 2.2% increase for each additional pay grade, up to a maximum of 13.8%. Any increase of more than 13.8% would require documentation by City of College Park's Human Resources Director and approval by the City Manager.

For general reclassifications done as a result of an internal or external compensation study, or as a result of a normal budget process review, if the employee has been in the position since on or before first day of the fiscal year, the effective date of this change will be the first day of the fiscal year.

Otherwise, for an individual reclassification done outside the normal budget cycle, the effective date of the pay increase will be consistent with the next full pay period.

Reclassification, promotion, or changes in pay grade, whether resulting from an internal or external compensation study or individual change in pay grade, shall ***not be*** retroactive.

Internal Equity Adjustments as a result of the implementation of a system-wide study shall not be subject to the same guidelines as the "Reclassification" guideline. Internal Equity Adjustments can be the result of the application of a formula, applied to all positions in the same pay plan, and are done to ensure that employees' salaries are internally equitable and are not done to reflect an individual "job audit" of a single member incumbent. Internal Equity Adjustments are also not tied to performance measures. ***The City Manager may determine an Internal Equity Adjustment strategy that is separate and apart from the guidelines that cover reclassification.*** Internal Equity Adjustments, resulting from an internal or external comprehensive review, can be to a higher, or lower, pay grade and are not considered a reclassification, promotion, or demotion.

When a job has been reclassified to a lower pay grade, the affected employee(s) shall have their pay grade adjusted accordingly. If the employee's salary is within the salary range of the new pay grade, it will be adjusted to the closest range position that includes the employee's

salary prior to reclassification. The effective date will be the day following the Council adoption date and the change will be reflected in the next full pay period. Any cost-of-living adjustments given to all employees will be given in a lump sum to employees who are over the pay range maximum and will not be added to their base pay.

If, after the pay grade adjustment, the employee(s) salary is greater than the maximum salary of the new pay range, the employee will continue to be paid at the higher rate of pay and will be ineligible for any pay increase until such time as a general structure adjustment will provide for additional pay.

In cases of promotion, there may be times when the nature of an individual job and level or necessary skills ***required by the City***, (and not just possessed by the incumbent), may require a higher salary schedule placement than stipulated in this section. Under such circumstances, the Human Resources Director may recommend to the City Manager *a higher salary placement within the new assigned pay grade*.

#### Section 11.2.3.4 – Lateral Transfer

A lateral transfer occurs when an employee is transferred from one job class to another in the same pay grade. When there is no change in pay grade there shall be no adjustment in base salary. A lateral transfer is not considered a reclassification or a promotion.

#### Section 11.2.3.5 – Demotion

A demotion occurs when an employee is transferred from one job class to another and the new job class is in a pay grade (or pay range) that is less than the original pay grade (or pay range). Any changes in pay as a result of a demotion will normally be effective the date of approval and reflected in the next full pay period. In most cases, the rate will be adjusted downward to the step in the new range that is closest to the step that includes the employee's salary prior to reclassification.

Demotions can occur for several reasons:

- a. ***Demotion requested by Incumbents:*** In some cases, an incumbent will request a demotion to a different job class in a lower pay grade (or pay range). Any reduction in salary would take effect within the next pay period.
- b. ***Demotion for disciplinary reasons:*** Any reduction in salary would take effect within the next pay period.
- c. ***Demotion for the good of the City:*** If the demotion is at the request of the City for the good of the organization, there would be no reduction in salary. This is done when the assignment to the new, lower level position is needed to fill a critical need and usually is done on a short-term and/or emergency basis. This type of action, if there is no long-term need, is better handled/managed through a temporary assignment. However, it is possible that a demotion for the good of the City could occur on a long-term basis. This type of demotion would have to be

approved by the City Manager. No decrease in salary would occur even if the current salary exceeds the maximum of the newly assigned range.

#### Section 11.2.3.6 - Temporary Assignment(s)

1. “Acting” or temporary assignments occur when the City recognizes a critical job assignment need that must be met and cannot be met through the normal recruitment process. This can occur when an unexpected vacancy occurs; when a mission critical job cannot be filled in a timely fashion; or when a mission objective changes abruptly and requires an immediate action.
2. Temporary or “acting” assignments would be expected to last more than 30 days, and less than 6 months. A temporary or “acting” assignment is to fill a vacancy and not to assume the duties of another employee who is on approved leave, i.e., vacation, holiday, medical, or other short-term absence(s).
3. If the position assigned is lower in pay grade (or equivalent pay range) this would not result in a lower salary for the assigned employee even if the salary exceeded the maximum of the new pay range.
4. If the position assigned is higher in pay grade increase and extends beyond 30 days, but less than 6 months, there should be a 5.0% increase to move to in the new pay range. An upgrade of two or more pay grades will be eligible for an additional 2.2% increase for each additional pay grade, up to a maximum of 13.8%, not to exceed the maximum of the assigned range. Employee’s receiving temporary assignment pay shall sign an agreement acknowledging the understanding that they are receiving “Temporary Assignment Pay” and also acknowledging understanding that when the temporary assignment ends, the “assignment pay” will also end. The City may also decide to pay this in a lump sum periodically during the assignment.

#### Section 11.2.3.7 – New Hires

1. The hire rate for a new employee with no equivalent and/or relevant level experience is the minimum of the salary range to which the job classification is assigned.
2. New hiring rates (or re-hire rates) for employees may consider directly relevant experience and/or experience that can be verified by the Human Resources Department. Starting salaries will be considered based on the length of the experience on a one year of credit for two years of experience, up to a maximum of five years of credit. *Employees who have left the City and have been officially terminated will be re-hired using this formula and will not be rehired at the previous salary.*
3. Internal Equity is an equally important consideration in filling a vacant position. Before a salary offer is made, Human Resources will also consider the current salaries and length of service in the same/similar job class or classes of current incumbents. It is the policy of the City to make every effort to avoid inverted salary relationships by bringing in newly hired employees



at a salary or rate that exceeds the current salaries of comparably placed existing employees in the same/similar job class.

4. The Human Resources department may additionally consider current salary if the open position is determined to be a “hard to fill” position. “Hard to fill” positions will be determined by the Human Resources Department and will be based on the length of time the position has remained unfilled, the difficulty to recruit, and the market conditions of the position, at the time of a vacancy.

5. For Directorships or Assistant Director level positions, the qualifications of the applicant and/or the needs of the City provide the discretion to hire anywhere within the range. However, consideration should still be given to existing salaries of other employees who are in directly comparable leadership positions.

#### **Section 11.2.3.8 – Maximum of the Range**

Ranges are established to reflect the market value of a job and not an incumbent. Once an employee reaches the maximum of his/her assigned range, the salary is frozen and the employee is not eligible for any additional compensation to the base pay unless there is a range movement that would result in a higher maximum. Any cost-of-living adjustments given to all employees will be given in a lump sum (not added to base pay) to employees who are over the pay range maximum.

#### **Section 11.3 – Shift Differential**

Shift Differential is \$1.00 per hour compensation to Public Services field employees whose schedule includes more than three hours worked after 6:00 p.m. and before 6:00 a.m. daily. This payment does not apply to overtime hours as an employee cannot receive two incentive pays for the same hours.

If an employee requests to work a different shift for their convenience and the requested hours include working after 6:00 p.m., shift differential will not be paid. The request should be in writing and placed in the employee’s personnel file.

#### **Section 11.4 - Review of Pay Plan**

The City Manager shall review the pay plan prior to or concurrent with the annual submission of the proposed budget to Mayor and Council.

The rates of pay for each class of positions that are recommended by the City Manager shall be approved, rejected, or changed by the City Council. The Pay Plan approved by the City Council for a given fiscal year is the basis for employees' pay in that fiscal year.

## **SECTION 12 - PAYROLL ADMINISTRATION**

### **Section 12.1 - Anniversary Date**

An employee's date of employment is the anniversary date for computing service longevity, establishing initial eligibility for benefits, and the date for annual performance evaluations and merit increase eligibility. An employment agreement, promotion or other personnel action may establish a different date for evaluation and merit increase eligibility, but the anniversary date for service longevity and benefits remains the date of employment.

### **Section 12.2 – Paydays**

Paydays are every other Friday, encompassing the two-week pay period ending the Friday before the payday. There are generally 26 pay periods in a calendar year. On rare occasions, there may be 27 pay periods in a calendar year.

### **Section 12.3 – Distribution of Paychecks and Direct Deposit Statements**

Direct deposit of bi-weekly paychecks is mandatory for all employees. **A maximum of three direct bank deposits per employee.**

Finance department personnel shall deliver direct deposit statements on payday to an authorized person in each department. This authorized person shall be responsible for safekeeping of the checks and statements and delivery to the department personnel in a confidential manner.

If an employee wishes to have his check stub mailed or picked up by someone other than the authorized person in his department, a signed authorization must be sent to the Finance department. Without this authorization, the check stub will be held until the employee claims it.

Unless prior arrangement with the Finance department is made, direct deposit statements of terminated employees shall be mailed to the home address on file with the City.

### **Section 12.4 - Attendance Records/Timesheets**

Each department head or designee is responsible for approving the attendance and pay records of all persons in the department. Records of attendance and pay shall be maintained and certified by the department head and forwarded to the Finance department for processing at the end of each pay period.

All-time records are rounded to the nearest 15-minute increment and no payroll payment is made in a unit smaller than 15 minutes.

The Finance Director shall be responsible for determining that each employee on a given payroll is correctly compensated in accordance with the law and City policies. If errors are detected in payroll, the Finance Director shall take proper action to correct the error and notify the appropriate department head.

## **Section 12.5 - Verification of Employment and Salary**

Only designated Human Resources and Finance staff members have the authority to verify employment and salary of current or former employees.

Unless otherwise required by law, or allowed by the employee's signed release, the information released is limited to name, position, salary range of position and dates of employment.

## **SECTION 13 – HOURS OF WORK, FLEXTIME, TIMEKEEPING, OVERTIME, COMP TIME, and BREAK TIME FOR NON-EXEMPT EMPLOYEES**

### **Section 13.1 - Hours of Work**

The normal work week begins at 12:00 a.m. on Saturday morning and ends at 11:59 p.m. the following Friday. The normal full-time work week consists of 40 paid hours over five days, each with eight paid hours plus a 30- to 60-minute unpaid meal period to be taken near the middle of the shift.

### **Section 13.2 – Alternate Work Schedule**

With the advance written approval of the City Manager and Director of Human Resources, department directors may establish alternate work schedules within their departments provided that adequate staffing is maintained for operations and service to the public.

A full-time alternate work schedule would include 40 hours of work within the work week described above but may include longer or shorter workdays. Any workday of eight hours or longer must include 30 to 60 minutes of unpaid break or mealtime.

Some departments, due to operational necessity, may be unable to offer alternate work schedules for particular positions, or during certain times of year, or at all.

### **Section 13.3 – Timekeeping**

All employees must keep a record of their time worked and their paid time off (i.e., vacation, sick, personal, or other paid time off, normally requested and approved in advance). Most hourly employees record their time by “punching in” at the beginning of their shift and “punching out” at the end of their shift and whenever they leave work during their normal working hours.

For example: The work shift starts at 8:00 a.m. and ends at 5:00 p.m., and the employee punches in and out at the beginning and end of the shift. The employee takes an unpaid lunch break from 11:30 to 12:30. The department may or may not require that the employee punch in and out for that break. The employee is paid for eight hours on that day. If the employee does not get the one-hour unpaid break, they must notify the supervisor of that and the supervisor will pay them for all time worked. If an hourly employee leaves and returns to work at any other time, they must punch in and out (or otherwise record their time away) so the non-worked time can be deducted or paid by using accrued leave time.

### **Section 13.4 – Overtime for Non-Exempt Employees**

Employees covered by the Fair Labor Standards Act (FLSA) must receive overtime pay for hours worked in excess of 40 in a work week at a rate not less than time and one-half of their regular rate of pay. These employees are paid per hour and are referred to as “non-exempt” or “hourly” employees.

Supervisors shall arrange employee work schedules to accomplish the required work within the standard workday and workweek whenever possible. The department head shall grant approval, normally in writing, for overtime work prior to the work being performed. Working unapproved overtime may subject an employee to disciplinary action. A supervisor may adjust a work schedule within a work week to avoid working overtime. For example, if nonexempt employees work “extra” time early in a work week, the supervisor may send them home or ask them to come in late later in the work week so the total hours actually worked in that work week will not exceed 40.

No member of City management may require or allow a non-exempt employee to work without recording the time and being paid for the time. Likewise, no employee is permitted to volunteer or otherwise agree to do so. An employee who believes that they are being required to perform work “off the clock” should immediately report the matter to Human Resources or the City Manager so that appropriate action may be taken.

### **Section 13.5 - Overtime and Compensatory (Comp) Time Options for Non-Exempt Employees**

When non-exempt employees are required to work overtime, they may have the choice of taking paid overtime or compensatory time. The choice will apply to all overtime worked in the same pay period.

If the employee selects paid overtime, he or she shall receive time and one half (1½) for each hour of overtime in accordance with the current FLSA regulations.

If the employee selects compensatory time, he or she shall receive one and one half (1½) hours of compensatory time for each hour of overtime worked. An employee may carry a balance of up to fifty-six (56) hours of compensatory time to be used before the end of the calendar year. Any overtime worked by an employee carrying the maximum balance of fifty-six (56) hours of compensatory time shall automatically be paid at the overtime rate until the balance goes below the maximum.

Use of compensatory time shall be requested and approved using the same procedures and guidelines as use of annual leave. Any unused compensatory time will be paid out at the end of each calendar year.

### **Section 13.6 – Break time for Non-Exempt Employees**

Non-exempt employees are allowed a paid 15-minute break during each period of work of at least four hours duration. This break is to be taken in the middle of the period whenever feasible, in accordance with schedules that may be established by department managers or directors. There will be no additional pay for breaks that are not taken, and breaks may not be used to shorten the workday.

## **SECTION 14 – TIMEKEEPING, WORK SCHEDULES, and EXEMPT TIME FOR EXEMPT EMPLOYEES**

Employees in positions that are exempt from the Fair Labor Standards Act (FLSA) are paid for the work performed, not the time it takes to do the work. They are paid a fixed salary that takes into consideration the executive, professional, or administrative responsibilities of the job and are exempt from the FLSA requirement of overtime pay. For the fixed salary period, exempt employees typically work all hours needed to complete the job, which may be in excess of 40 in a week. Federal law does not require that employers provide overtime or any additional pay to these employees and the City does not do so.

### **Section 14.1 – Hours of Work**

The work week is defined in Section 13.1. Work schedules for exempt staff are a minimum of 40 hours each week, excluding 30 to 60 minutes per meal break. Any hours worked over 40 in a workweek do not accrue for future use and are not paid out in cash compensation at any time.

### **Section 14.2 – Timekeeping**

All full-time, exempt employees must account for 80 hours per pay period on their electronic timesheets with any approved combination of time worked, exempt time, and paid leave time.

Revised September 19, 2023

### **Section 14.3 – Flextime and Alternate Work Schedules**

Flextime is when exempt employees vary their daily start and end times while still working 80 hours in the current pay period. For example, a Director presents at the Council meeting for two hours on a Tuesday night. Workload allowing, they would like to come in late the next day. As long as they log 80 hours of work in that pay period, no leave time or exempt time is necessary. Exempt employees should always make their Director (or the City Manager) aware of any change in work hours.

An Alternate Work Schedule includes 80 hours of work within the pay period (not including meal periods) and may utilize longer or shorter workdays on a regular basis. For example, a routine of four ten-hour workdays in a pay week would be considered an Alternate Work Schedule. With the advance written approval of the City Manager and Director of Human Resources, department directors may establish Alternate Work Schedules within their departments provided that adequate staffing is maintained for operations and service to the public.

Some departments, due to operational necessity, may be unable to offer these schedule options for particular positions, or during certain times of year, or at all.

#### **Section 14.4 – “Exempt Time”**

Exempt Time is a category of hours that may be used by exempt employees to complete their 80-hour pay period timesheet. These hours are available in recognition of the unpredictable nature of exempt work.

Exempt employees are required to charge appropriate leaves (i.e. sick leave, annual leave, personal leave) for absences of one or more workdays. Exempt staff should not enter any more than eight (8) hours daily on their timesheets. In unusual circumstances, the City manager may approve exceptions to this policy. Any exception by the City Manager will be reported in writing to the Payroll Specialist.

Revised May 18, 2023

## **SECTION 15 - LEAVE**

The City offers several types of paid leave to cover necessary absences. No one may be absent from work without being on approved leave. Absence without supervisory approval may be grounds for denying the use of paid leave and/or disciplinary action.

The following are types of leave which may, with approval, be used by an employee when absent from work.

### **Section 15.1 - Annual Leave (Vacation)**

Eligible full-time employees shall accumulate annual leave at the rate set forth below. For the purposes of this policy, a full-time employee's day is the equivalent of eight (8) hours. Eligible part-time employees (see Section 5) accumulate leave proportional to a 40-hour week:

<b>Length of Service</b>	<b>Days Earned Per Year</b>
Up to 3 years	12 (96 hours)
3 through 14 years	18 (144 hours)
Over 15 years	24 (192 hours)

Directors, the Assistant City Manager, and the City Clerk shall accrue annual leave at the rate of 24 days per year for their entire tenure.

#### **Section 15.1.1 - Granting of Annual Leave**

Upon satisfactory completion of the new hire probationary period, employees may use accrued annual leave upon notification to, and approval by, the employee's supervisor. Approval of a request for annual leave is not automatic but will be granted based upon the supervisor's assessment of the workload and workforce. Sick leave shall not be used as a substitute for annual leave.

#### **Section 15.1.2 - Annual Leave Accumulation**

Prior to July 1, 2018, the following regulations were in place:

*Annual leave in excess of 280 hours will be rolled over into a Tier II sick leave account as defined in Section 15.3. The maximum allowed annual into Tier II rollover is 80 hours and Tier II may be accumulated up to a maximum 1,000 hours. Excess annual leave over and above 360 hours (280 + 80) on the last day of the first full pay period in January will be forfeited. Exceptions to forfeiture may be considered by the City Manager on a case-by-case basis in emergency situations.*



Effective October 1, 2018, employees may accumulate a maximum of 320 hours of annual leave. Once an employee has accumulated 320 hours, no more annual leave will accrue until some is used.

#### Section 15.1.3 - Annual Leave Planning

Department heads may require that leave requests be prepared in advance for a calendar year. Leave requests submitted for a year are a department guide subject to change and request approvals will be based on maintaining an effective available workforce at all times.

#### Section 15.1.4 - Annual Leave Payout at Termination

Upon resignation with proper notice or retirement, a non-probationary employee shall be paid for unused annual leave accumulated to the date of termination. Payment shall be made at the next scheduled pay period or by other payment arrangements mutually agreed upon. Payment will be at the rate of pay effective on the last day the employee worked. Upon the death of an employee, compensation for all unused, accumulated annual leave shall be paid to the employee's direct deposit account, if still open, or to the employee's estate.

Accrued annual leave will not be paid out if an employee is terminated through the disciplinary process or for cause or does not work their notice of resignation period. Please refer to Section 7.2.

#### Section 15.1.5 - Special Annual Leave Sell-Back Opportunities

Once in a fiscal year, in September or May, full-time employees may sell back to the City a minimum of eight hours and a maximum of forty (40) hours of accrued annual leave. For full-time employees, the sell back cannot take the annual leave account balance below 80 hours. Eligibility for a sell back is determined by an employee's account balance at the close of the last full pay period prior to the sell back. Any leave sold back will be deducted from the annual leave account.

Eligible part-time employees may also participate in the sell back of accrued annual leave on a prorated basis based on their scheduled hours, and the benefit shall be prorated. For example, an employee scheduled to work twenty hours (20) per week (50% of full time) will only need a balance of 40 hours annual leave to be eligible for the sell back. The employee may sell back up to 20 hours of annual leave provided the sell back does not take the annual leave balance below 40 hours. The leave sold back will be deducted from the annual leave account.

### **Section 15.2 - Sick Leave and Maryland Earned Sick and Safe Leave**

Eligible employees may use earned sick leave under the following conditions:

- To care for or treat the employee's mental or physical illness, injury, or condition.
- To obtain preventative medical care for the employee or the employee's family member.

- To care for a family member with a mental or physical illness, injury, or condition.
- For maternity or parental leave; or
- The absence from work is necessary due to domestic violence, sexual assault or stalking committed against the employee or the employee's family member and the leave is being used (1) to obtain medical or mental health attention; (2) to obtain services from a victim services organization; (3) for legal services or proceedings; or (4) because the employee has temporarily relocated as a result of the domestic violence, sexual assault or stalking.

A family member includes:

- a spouse;
- a biological, adoptive, foster, or step-
  - child,
  - parent of the employee or employee's spouse,
  - sibling,
  - grandparent,
  - grandchild.
- a child for whom the employee stands in loco parentis, regardless of the child's age; a child for whom the employee has legal or physical custody or guardianship; and
- an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor.

#### Section 15.2.1 - Sick Leave Accrual

Each regular full-time employee shall accrue sick leave at the rate of 4.6 hours per pay period. This is the equivalent of fifteen eight-hour days or 120 hours per year. Part-time employees working 20 or more hours per week on a regular basis accrue leave proportionally to a 40-hour week. Accruals are recorded on the bi-weekly pay stub.

Sick leave will not accrue if an employee is absent on workers compensation status. Sick leave accrual while using Leave Without Pay (LWOP) shall be in accordance with Section 15.5 – Leave Without Pay.

There is no limit to the amount of sick leave that may be accrued. Employees shall not be paid for accumulated unused sick leave at the time of termination of employment, except for those who retire from the City and are eligible under the terms described in Section 15.2.6. If an employee is rehired within 37 weeks of resignation, the City will reinstate up to 64 hours of unused sick leave that was accrued prior to termination of employment.

## Section 15.2.2 - Granting and Use of Sick Leave

After 106 calendar days of employment (15 weeks-about 3 and a half months), employees may use up to 20 hours of sick leave if they provide verification that the leave use was appropriate. Upon satisfactory completion of the new hire probationary period, an employee will be credited with six months of accrued sick leave (minus any leave already used) and may use sick leave according to this policy.

Sick leave may be used in increments of one hour or more.

To be granted sick leave, the employee shall notify their immediate supervisor prior to the leave. If the sick leave is not prearranged, the employee shall notify their supervisor before the scheduled workday begins. This notification procedure shall be followed each day of the medical absence. Notification by an employee's friends or relatives is only acceptable in emergency situations, e.g., employee is hospitalized or incapacitated. Failure to follow these notification procedures may result in denial of paid sick leave and may be grounds for disciplinary action. The requirement for daily notification may be waived at the supervisor's discretion.

Employees may only use sick leave for one of the listed authorized reasons. Employees using earned sick leave for unauthorized purposes or who have demonstrated a pattern of abusing sick leave may be denied the right to use sick leave in the future and will be subject to disciplinary action.

## Section 15.2.3 – Verification of Valid Use of Sick Leave

If an employee uses sick leave for more than two consecutive scheduled shifts, the employee must provide verification that the leave use was appropriate, and, if the leave was for the employee's own illness, injury, or condition, they must provide verification that they can return to full or modified duty. The physician's certificate shall indicate dates of treatment, dates of necessary absence, and, if not returned to full duty, any work modifications or restrictions based on the employee's job description. Before an employee can work on modified duty, the supervisor shall discuss with the department director and Human Resources any duty modifications requested.

The City may require a physician's certificate each time an employee requests the use of sick leave if the use of sick leave has been abused or the Director questions the validity of the use of sick leave.

A physician's certificate is required from any employee who calls in sick the day before or the day after a holiday or the holiday pay will be forfeited.

An employee may be required to submit to a medical examination at the City's expense to determine fitness for duty when the supervisor believes that the employee's physical or mental condition may render the employee unable to perform the essential duties of the position or endanger the health or safety of self or others.

An employee may be required to submit evidence of need for an absence due to the illness or medical treatment of an immediate family member. Please see Section 15.14 on Family and Medical Leave.

#### Section 15.2.4 - Donation to Sick Leave

A leave donation program is available to give employees the opportunity to support other employees who do not have enough leave to cover an extended illness. A regular employee may donate leave to another employee under the conditions listed below. Probationary (new hire) and temporary employees are ineligible to participate in leave donation.

- a. The recipient employee must have been absent on documented sick leave for more than ten (10) consecutive workdays and have exhausted their own accrued sick and annual leave balances.
- b. The absence must not be compensable from other sources, such as workers compensation or disability insurance.
- c. The recipient employee must request through their department Director or the Human Resources Director that donations be solicited.
- d. Leave may be donated retroactively for an absence that occurred within thirty (30) calendar days prior to the donation date.
- e. Leave donations must be voluntary and will be anonymous to the recipient.
- f. Leave donations may be from the donor's annual or sick leave account but may not leave a donor's combined annual and sick accrual below five hundred and twenty (520) hours.
- g. Leave donations may only cover actual absences up to the end of an approved FMLA leave period. Donations may not be used to establish a balance for future use. Time paid by leave donation does not allow the recipient to accrue additional time. Time paid by leave donation is not considered time worked.
- h. Unused donations will be returned to the donor.
- i. Employees who have given notice of termination of their employment may not donate unused sick leave.

Leave donations for other than an employee's own sick leave absence, or under any other conditions than those listed above, are not permitted.

The need for leave donations may be announced to employees by the Director or designee at the department level, or by the Human Resources Director to all employees, as appropriate. Leave donation forms are available from Human Resources. Completed donation forms must be submitted to the Human Resources Director for confirmation of donor and recipient eligibility.

### Section 15.2.5 – Sick Leave - Special Sell Back

Annually, in November, full-time employees may sell back to the City up to forty (40) hours of accrued sick leave. For full-time employees, the sell back cannot take the balance of an employee's sick leave account below 260 hours. Eligibility for a sell back is determined by an employee's account balance at the close of the last full pay period in October. Any leave sold back will be deducted from the sick leave account.

Eligible part-time employees may also participate in the sell back of accrued sick leave on a prorated basis based on their scheduled hours, and the benefit shall be prorated. *For example, an employee scheduled to work twenty hours (20) per week (50% of full time) will only need a balance of 260 hours sick leave to be eligible for the sell back. The employee may sell back up to 20 hours of sick leave provided the sell back does not take the sick leave balance below 260 hours.* The leave sold back will be deducted from the sick leave account.

### Section 15.2.6 – Sick Leave Payout at Retirement

The Maryland State Retirement and Pension System (MSRPS) provides credited service for unused sick leave at retirement. Any accumulated, unused sick leave on the date of an eligible employee's retirement will be reported to the Maryland State Retirement and Pension System (MSRPS) to be used according to their terms for additional service credit.

Effective July 1, 2018, the City will pay out 25% of accrued and unused sick leave to a maximum of 260 hours to eligible employees who retire from the City. For those employees who had an accumulated sick leave balance on June 30, 2018, 50% of any unused portion of the balance on that date will be available for payout at retirement to a maximum of 520 hours. Any combination (accrued before and after July 1, 2018) of sick hours paid out at retirement will not exceed 520 hours.

For purposes of this Payout, "retirement" means a planned separation from employment with the City with the intention to collect retirement benefits. Age and length of service requirements are as follows:

At least 55 years old with minimum 10 years continuous service	
56	9
57	8
58	7
59	6
60 or older	5

### Section 15.3 - Disability

When an employee's ability to perform the essential duties and responsibilities of their position has been adversely affected by a disability, the City may require the employee to undergo a physical examination to determine the extent of the disability with regard to performing the essential duties of the employee's position.

If the examination results show that the employee cannot perform the essential duties of the position due to the disability, with or without reasonable accommodation, the employee shall be offered another position, if available, in which they can perform the essential duties with or without reasonable accommodation. If the employee cannot perform the essential duties of any available position, or refuses to accept an offered position, the City may terminate their employment.

The City provides Long Term Disability Insurance to eligible full-time employees and the Maryland State Retirement and Pension System also offers disability retirement to eligible participants. The Human Resources staff will help an employee determine eligibility and complete the applications for those benefits upon request.

#### **Section 15.4 – Leave Without Pay (LWOP)**

An employee may be placed on Leave Without Pay when all other appropriate leave is exhausted. No annual or sick leave shall accrue in a pay period in which the employee is paid fewer than one-half of their scheduled hours. The length of time an employee may remain on Leave Without Pay will be determined on a case-by-case basis but will not be less than required by any applicable FMLA requirements.

#### **Section 15.5 - Leave of Absence**

For exceptional reasons, the City Manager may grant a request from an employee who has been employed by the City for at least one year, for a leave of absence without pay for a period not to exceed one year when it appears that reinstatement of the employee would be in the best interest of the City. Annual and sick leave shall not accumulate during the leave of absence and any benefits maintained for the employee shall be at the employee's expense. Leaves of absence shall not be approved for employment elsewhere, including self-employment.

#### **Section 15.6 - Administrative Leave with Pay**

Administrative leave with pay may be granted for severe weather events, investigations or for other valid purposes in the interest of the City as determined and authorized by the City Manager. Such leave shall not be deducted from any other leave accrued by the employee.

#### **Section 15.7 - Holidays**

All regular full-time employees shall receive 8 hours pay for the following holidays that shall be observed by all departments. Eligible part-time employees shall receive a prorated benefit calculated on their scheduled hours in relation to a 40-hour workweek.

New Year's Day  
Martin Luther King's Birthday  
Presidential Inauguration Day  
Presidents Day  
Memorial Day  
Juneteenth Independence Day  
Independence Day

Labor Day  
Presidential Election Day  
Veterans Day  
Thanksgiving Day  
Day after Thanksgiving  
Christmas Day

When a holiday falls on a Saturday or Sunday, the Friday preceding, or the following Monday shall be designated as a substitute holiday. Employees scheduled to work on a Saturday or Sunday holiday, when receiving a Friday or Monday off for the holiday, shall be allowed to take annual leave for the Saturday or Sunday holiday, or approved leave without pay at the employee's option. If the employee does not wish to use leave, then a suitable schedule adjustment may be made to ensure the employee can work a replacement day for the actual Saturday or Sunday holiday. This replacement day shall be worked in the same pay week to avoid unnecessary overtime.

If an employee's regular day off falls on a holiday observed by the City, they shall receive the appropriate holiday pay in addition to the hours worked. Supervisors may reschedule an employee's worked hours during the week of the observed holiday to avoid unnecessary overtime.

Holiday leave shall not be deducted from any other leave accrued by the employee.

To be paid for holiday leave, an employee must work or be on approved leave the scheduled workdays immediately before and after the holiday. Sick leave taken the day before or the day after the holiday must be substantiated by a physician's certificate in order to qualify as approved sick leave. If LWOP is being used during the pay period in which the holiday occurs, holiday pay will only be paid if the employee has enough paid hours to accumulate leave in accordance with Section 15.5.

In addition to their holiday pay, any non-exempt employee required to work on a holiday shall be paid an amount equal to one and one-half (1½) times their hourly rate for the time actually worked on the holiday or may accrue the equivalent number of compensatory time hours in accordance with Section 13. Calculation of the payment shall be made in 15-minute increments.

Revised August 17, 2023

### **Section 15.8 – Personal Days**

Regular full-time employees shall be eligible for up to two 8-hour personal days per calendar year which will be added to each employee's accrued leave "bank" during the first pay period beginning in January or upon the successful completion of the probationary period, whichever comes last. Employees who are hired after June 1 of any calendar year will not receive any personal days to use in the first calendar year and will be credited with two personal days in the next calendar year following successful completion of their probationary period.

Personal days may be taken at the employee's discretion with the advance approval of the supervisor whenever possible. Unused personal days will not be paid upon termination of employment and will not carry over from one calendar year to the next.

Part-time employees working at least 20 hours per week are eligible for a prorated benefit based on their budgeted hours.

### **Section 15.9- Bereavement Leave**

Employees may be granted paid bereavement leave in the event of a death in their immediate or extended family. Any paid bereavement leave provided by the City shall not be charged to either sick or annual leave.

#### **Section 15.9.1 -Immediate Family**

In the event of death in the immediate family of an employee, the employee may be granted three (3) days leave with pay to make household adjustments or attend funeral services. Immediate family is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandmother, grandfather, grandson, granddaughter, stepmother, stepfather, stepson, stepdaughter, legal guardian, or legal dependents.

If travel of more than one hundred and fifty (150) miles one way is necessary because of the bereavement, the paid leave may be extended up to five (5) days upon justification satisfactory to the department director. If additional leave is necessary, it shall be charged to sick or annual leave at the employee's option.

#### **Section 15.9.2 - Extended Family**

In the event of death in the extended family of the employee, the employee may be granted two (2) days leave with pay to make household adjustments or attend funeral services.

Extended family is defined as the employee's aunt, uncle, nephew, and niece. The amount of paid time off provided by the City is limited to two (2) days whether or not extended travel may be necessary. If additional leave is necessary, it shall be charged to sick or annual leave at the employee's option.

#### **Section 15.9.3 - Impact on Operations**

If the same death is in the immediate or extended family of more than one employee in the same department, division, or office, and the taking of bereavement leave has an operational impact on the City's ability to provide normal services, the department head or supervisor has the right to reassign work schedules to meet service requirements and/or deny the use of bereavement leave.

### **Section 15.10 - Military Leave**

Any employee who is a member of an active or a reserve force of the United States and who is ordered by the proper authorities to attend a training period or perform other duties shall be



granted an unpaid leave of absence during the period of such activity. Such leave shall not be deducted from any other leave accrued by the employee. Military orders must be submitted as soon as available.

#### **Section 15.10.1 - Military Training – Supplemental Pay**

Any regular employee ordered to engage in military training is entitled to receive a pay supplement from the City if the military pay is less than the employee's pay from the City. The amount of the supplement will be the difference between the military base pay and the employee's gross base pay for the same period. This supplement will be paid for up to 15 days per calendar year. Military orders and pay statements must be submitted as soon as available.

Other than supplemental pay while engaged in military training activities, pay during the absence, and re-employment rights upon return, will be in accordance with applicable State and Federal laws (annotated Code of Maryland and Uniformed Services Employment and Re-Employment Rights Acts). These laws will govern in the event they provide a greater benefit than that provided by City policy.

#### **Section 15.11- Jury and Court Leave**

Any regular employee called upon for jury service shall be paid regular wages or salary for their regularly scheduled hours that occur during the period of actual service on jury duty. Such leave shall not be deducted from any other leave accrued by the employee. To use this leave, the employee shall provide to the City certification of the Clerk of the Court to establish time served. Falsification of court documents will be grounds for termination.

Regular employees required to appear before a court or other public body in which they are personally involved as a plaintiff, defendant, or witness, on a matter **not** related to their employment with the City, may request a leave of absence for the period necessary to represent their interest or fulfill their obligation. The employee may use accrued annual leave or leave without pay during this absence.

#### **Section 15.12- Family and Medical Leave (FMLA)**

The FMLA is a complex federal law; however, a general notice provided by the federal government regarding the City's employees' rights and responsibilities follows:

### **EMPLOYEE RIGHTS AND RESPONSIBILITIES UNDER THE FAMILY AND MEDICAL LEAVE ACT**

#### **Section 15.12.1 - Basic Leave Entitlement**

FMLA requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to eligible employees for the following reasons:

- For incapacity due to pregnancy, prenatal medical care, or childbirth;
- To care for the employee's child after birth, or placement for adoption or foster care;

- To care for the employee's spouse, son or daughter, or parent, who has a serious health condition; or
- For a serious health condition that makes the employee unable to perform the employee's job.

## Section 15.12.2 - Military Family Leave Entitlements

### Section 15.12.2.1 - Exigency Leave

Eligible employees with a spouse, son, daughter, or parent on active duty or called to active duty status in the National Guard or Reserves in support of a contingency operation or deployed to a foreign country may use their 12-week leave entitlement to address certain qualifying exigencies. Effective in November 2009, this leave was expanded to include family members of active duty service members as well.

Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

### Section 15.12.2.2 - Caregiver Leave

FMLA also includes a special leave entitlement that allows eligible employees to take up to 26 weeks (about 6 months) of leave to care for a covered service member during a single 12-month period. A covered service member is a current member of the Armed Forces, including a member of the National Guard or Reserves, who has a serious injury or illness incurred in the line of duty on active duty that may render the service member medically unfit to perform his or her duties and for which the service member is undergoing medical treatment, recuperation, or therapy; or is in outpatient status; or is on the temporary disability retired list.

Effective November 2009, this provision was expanded to include veterans who are undergoing medical treatment, recuperation or therapy for serious injury or illness that occurred anytime during the five years preceding the date of treatment. The expanded definition also includes aggravation of an existing or preexisting injury because of service on active duty.

## Section 15.12.3 - Benefits and Protections

During FMLA leave, the employer must maintain the employee's health coverage under any "group health plan" on the same terms as if the employee had continued to work. Upon return from FMLA leave, most employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other employment terms.

Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's leave.

## Section 15.12.4 - Eligibility Requirements

Employees are eligible if they have worked for a covered employer for at least one year, for 1,250 hours over the previous 12 months, and if at least 50 employees are employed by the employer within 75 miles.

#### Section 15.12.5 - Definition of Serious Health Condition

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee's job or prevents the qualified family member from taking part in school or other daily activities.

Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two visits to a health care provider or one visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition. Other conditions may meet the definition of continuing treatment.

#### Section 15.12.6 - Use of Leave

An employee does not need to use this leave entitlement in one block. Leave can be taken intermittently or on a reduced leave schedule when medically necessary. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer's operations. Leave due to qualifying exigencies may also be taken on an intermittent basis.

#### Section 15.12.7 - Substitution of Paid Leave for Unpaid Leave

Employees may choose, or employers may require use of accrued paid leave while taking FMLA leave. In order to use paid leave for FMLA leave, employees must follow the employer's normal paid leave policies.

#### Section 15.12.8 - Employee Responsibilities

Employees must provide 30 days (about 4 and a half weeks) advance notice of the need to take FMLA leave when the need is foreseeable. When 30 days' notice is not possible, the employee must provide notice as soon as practical and must follow an employer's normal call-in procedures.

Employees must provide sufficient information for the employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee is unable to perform job functions; the family member is unable to perform daily activities; the need for hospitalization or continuing treatment by a health care provider; or circumstances supporting the need for military family leave. Employees also must inform the employer if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

## Section 15.12.9 - Employer Responsibilities

Covered employers must inform employees requesting leave whether they are eligible under FMLA. If they are, the notice must specify any additional information required as well as the employees' rights and responsibilities. If they are not eligible, the employer must provide a reason for the ineligibility.

Covered employers must inform employees if leave will be designated as FMLA-protected and the amount of leave counted against the employee's leave entitlement. If the employer determines that the leave is not FMLA-protected, the employer must notify the employee.

## Section 15.12.10 - Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- Interfere with, restrain, or deny the exercise of any right provided under FMLA;
- Discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA.

## Section 15.12.11 - Enforcement

An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer.

FMLA does not affect any Federal or State law prohibiting discrimination or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

## Section 15.12.12 - Calculation of FMLA Leave

Eligible employees may use up to twelve (12) weeks leave in a twelve (12) month period. For calculating leave availability, the twelve (12) month period is measured forward from the date any employee's first FMLA leave begins. If a husband and wife are both employed by the City, and both become entitled to take leave under the FMLA due to the birth or adoption of a child or the placement with them of a foster child or due to the illness of an immediate family member, the aggregate number of weeks of leave which may be taken shall be limited to twelve.

## Section 15.12.13 – Notification of Need for FMLA Leave

All employees requesting leave under this policy must complete the FMLA forms available from HR or on the Intranet.

An employee undergoing planned medical treatment is required to make a reasonable effort to schedule the treatment to minimize disruptions to the City's operations.

#### Section 15.12-14 – FMLA Medical Certification

The City requires the employee to provide medical certification of the serious health condition requiring leave whenever the leave is expected to (or does) extend beyond three (3) working days or will involve intermittent or part-time leave. The City may also require a second or third medical opinion. Any second or third opinion required by the City shall be paid for by the City. Medical certification should be submitted to the Director of Human Resources or her designee on the forms provided for that purpose.

If medical certification is not submitted in a timely manner, the leave will be designated as potentially FMLA-qualifying and the employee will be notified of that fact and the deadline to submit the required certification. Upon receipt of the required information, the preliminary designation will become final. If the medical certifications are not submitted or do not confirm that the reason for the absence was an FMLA reason, the City will withdraw the designation and provide written notice to the employee.

Family Medical Leave will also run concurrently with an absence due to a Workers Compensation illness or injury if such illness or injury meets the definition of a serious health condition.

#### Section 15.12.15 - Use of Paid and Unpaid Leave during FMLA Leave

An employee's own serious health condition will be charged first to accrued sick leave, then to accrued annual leave, and finally when all other time is exhausted, to leave without pay. Other family leave may be charged to accrued annual leave or accrued sick leave, at the employee's option. Once those are exhausted, the remaining leave will be without pay.

#### Section 15.12.16 – Benefits during FMLA Leave

All City-paid insurances will continue during an approved FMLA absence provided the employee continues to pay his or her share of the monthly premium (if any).

As long as the employee is on paid leave, the employee's portion of the premium will be deducted from his or her pay. If the employee is on unpaid leave, it will be their responsibility to pay their portion of the premium on a monthly basis. Payment may be made by check in the Human Resources Department. Paid leave time will not continue to accrue if using leave without pay (see Section 15.5 – Leave without Pay). Paid leave time will cease to accrue at the end of the FMLA period, even if the employee continues to collect accrued sick leave beyond the FMLA expiration.

#### Section 15.12.17– Reinstatement after FMLA Leave

The City requires a medical certification of fitness for duty to return to work after FMLA leave occasioned by the employee's own serious health condition that extends beyond three

consecutive workdays. The City also retains the option to require a medical certification of fitness for duty after any personal medical leave.

#### Section 15.12.18 – FMLA Interpretive Guidance

Any questions concerning implementation of FMLA rights provided by this policy will be resolved in accordance with the current Department of Labor regulations implementing the FMLA of 1993. This policy will govern in the event it provides a greater benefit than that provided by the federal regulations.

### **Section 15.13 – Extended Medical Leave of Absence**

#### Section 15.13.1 -- Purpose

There are times when an employee's illness can extend beyond the period guaranteed by the Family and Medical Leave Act (FMLA). After the FMLA period expires, if the employee is still unable to return to work due to their own serious medical condition and has personally accumulated sick time (not donated time), they may be eligible to be placed on Extended Medical Leave of Absence.

#### Section 15.13.2 -- Duration

Extended Medical Leave status will be in effect until personally accumulated sick time is used up or until the total time of absence is one year (up to nine additional months following the expiration of the FMLA), whichever comes first. However, the employee's former position may be filled after the FMLA period expires and there will be no guarantee of a position if and when the employee is able to return to work. An Extended Medical Leave will not be offered to anyone using donated sick time or who does not have any personally accumulated sick time available.

#### Section 15.13.3 -- Benefits

An employee's health, dental, and vision insurances will remain in effect at the same rates that would be in effect if the employee were still working, provided the employee continues to have his or her portion of the premium deducted from the sick leave paycheck.

If the employee is eligible for Long Term Disability (LTD), the City will continue to pay LTD premiums until the waiver of premium feature begins, provided the employee completes his or her application for benefits in a timely manner. No other benefits will be provided during this Extended Medical Leave period. Any contribution by the City towards the 457 and the 401(a) retirement plans and any sick and annual leave accruals will cease at the end of the FMLA period. The employee may continue to contribute to the 457 without the City's match if the employee wishes.

#### Section 15.13.4 - Termination of Employment

At the end of the Extended Medical Leave period, if the employee is unable to return to work with or without reasonable accommodation, the employee's relationship with the City will be terminated due to disability. If eligible, the employee may choose to retire. Any COBRA coverage for which the employee is eligible would be available as of the termination date. If there is any sick time left, arrangements will be made for a final payout.

#### **Section 15.14 - Facilities Closings**

##### Section 15.14.1 - Non-Emergency Early Closing (e.g. Holiday Eve)

The City Manager may decide to close City offices and services early on the day before a holiday or for other reasons. Employees who report to work at their regularly scheduled times and leave at the announced early closing time shall be paid administrative leave for their remaining regularly scheduled hours for the day.

Employees scheduled to begin work after the planned early closing time shall be paid administrative leave for their regularly scheduled hours for that day. The appropriate department head will be responsible for contacting employees with shift cancellation information.

Employees who report to work at their regularly scheduled time but leave earlier than the planned closing time shall be charged for the leave taken between the time they leave and the planned closing time. The remainder of their regularly scheduled hours will be administrative leave.

Employees already scheduled to be on leave will be paid leave as planned and will not be eligible for administrative leave on that day.

##### Section 15.14.2 - Severe Weather Situations and Emergency Closing of City offices

During severe weather or other emergency situations, City offices will be open during their normal hours unless officially closed by direction of the City Manager. Staff members who are considered ESSENTIAL will be required to report for duty at the time and place directed by their Department Director or designee. If City offices are officially closed, NON-ESSENTIAL personnel who have registered with the system will be notified via the Everbridge emergency notification system (text, email, or voice) or they may call in to 240-487-3537 to listen to a message recorded by the HR Director or designee. These messages will be placed only if City offices are closed. If City offices are closed, non-essential personnel will be paid administrative leave for the scheduled hours they were not able to work.

##### Section 15.14.2.1 – Non-essential Personnel

If City offices are open, non-essential employees are expected to be at work during their regularly scheduled hours during weather-related or other emergency-type situations. However, when a situation arises making it difficult or unsafe for a non-essential employee to arrive or stay at work during their regularly scheduled time, the employee may take liberal leave at their discretion, provided they communicate their status using the department's normal protocol.

If City offices are closed and non-essential personnel choose to come in anyway, they will be paid straight time.

#### Section 15.14.2.2 – Essential Personnel

ESSENTIAL personnel are employees in positions that will be needed in the emergency. Public Works snow clearing crews are essential personnel during snow event, and employees in other positions and departments may be deemed essential depending upon the type of emergency and operational requirements. Essential personnel are designated as such by the City Manager, Assistant City Manager, and department heads. Department heads are responsible for informing their employees of their essential or non-essential status.

#### Section 15.14.2.3 – Liberal Leave

LIBERAL LEAVE is unscheduled annual leave taken when conditions related to the emergency make it difficult or hazardous for an employee to report for duty. There will be no disciplinary consequences for using approved liberal leave.

Employees already on leave at the time of the emergency will remain so and be paid according to their preauthorized status, unless called in as an essential person.

### **Section 15.15 - Workers' Compensation**

Worker's Compensation benefits are available for employees who are injured on the job or become ill due to work.

All on-the-job injuries and accidents, no matter how minor, shall be reported to the immediate supervisor as soon as possible. The supervisor shall report all injuries/accidents promptly to the Safety and Risk Specialist. Any verbal report must be followed by a written report. Approved forms for this report are available from the Safety and Risk Specialist..

Sick and annual leave shall not accrue for Workers' Compensation absences of more than one-half the employee's normal schedule in a pay period.

City-paid insurances while absent on workers' compensation shall continue until the employee returns to work, or until the end of any FMLA designated leave running concurrently, whichever occurs first. The employee's usual contribution to benefit insurances and other payroll deductions will be the employee's responsibility when absent on workers compensation.

#### Section 15.15.1 – Injury Pay & Workers' Compensation Payments

The City may pay the employee Injury Pay for the first three (3) days of absence if the City's workers' compensation insurance carrier deems the injury compensable and does not pay the employee for the first 3 days and no alternate duty is available. The employee may use their accrued sick leave to make up any difference if the workers' compensation payment is less than their normal wages minus taxes.



## Section 15.15.2– Workers’ Compensation Return to Work Program

The program is designed to assist regular employees who have suffered a workers’ compensation compensable injury or illness and are temporarily unable to perform their regular duties. During the recovery period, there is usually an interim period when employees are fit enough to return to work with some activity restrictions before they are fully fit to return to their regular duties. It is during this interim period that the City will assist the employee by finding appropriate restricted duty whenever possible.

These temporary, modified assignments are for short term restricted duty and may be in another department, may be part time, and may not be available for the entire period of restricted duty. However, every effort will be made to accommodate an employee’s work restrictions and available skills and abilities. The temporary assignments are anticipated to last no longer than fifteen (15) working days. However, an extension may be allowed on a case-by-case basis if the employee’s medical condition is steadily improving and temporary work is available.

For the first 15 days, all hours worked on a temporary assignment or project will be paid at the same rate as the employee’s regular position. The City’s workers’ compensation carrier will pay for the remaining non-productive hours if appropriate. The Safety and Risk Specialist, coordinating with the Human Resources Director, shall supervise and coordinate this program.

If an employee refuses a temporary assignment for which he or she is medically fit, the refusal to work will be taken into consideration by the City’s workers’ compensation carrier when determining benefits.

## **SECTION 16 - OUTSIDE EMPLOYMENT**

Any outside employment performed by City employees should not, by its timing, requirements, ownership, or any other factor, adversely affect an employee's performance of their City duties and responsibilities and should not present a conflict of interest or the appearance of a conflict of interest.

All outside employment, including self-employment, performed by City employees must be reported in writing to an employee's supervisor immediately upon starting the outside employment. Forms specifically for this purpose should be used. After approval and signature, the supervisor will forward the report to the department head.

The department head, Human Resources Director and the City Manager will review the reports of outside employment to assure that it does not conflict with this policy.

No outside employment activities are allowed on City time or premises or with City equipment.

An employee's City work schedule may not be adjusted to allow for outside employment unless specifically approved by the City Manager.

Under no circumstances shall a City employee be an independent contractor to the City.

## **SECTION 17 - GRIEVANCE PROCEDURE**

The City desires to resolve grievances in a prompt and equitable manner. Whenever possible this shall be done informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise. However, there may be grievances that require a formal appeals process.

### **Section 17.1 - Procedures**

Any regular employee who is aggrieved as a result of the interpretation and application of these regulations, a disciplinary action, alleged discrimination or unfair treatment, or unsafe or unhealthful working conditions, shall have the right of appeal provided the following procedural steps are followed. A failure on the part of an employee to comply with the requirements set forth in this section shall result in the employee waiving their right to pursue the grievance.

**Step 1** - An employee shall first present his grievance to his immediate supervisor in writing within five (5) working days of the occurrence. A grievance shall include a statement of the problem and the relief sought. Upon receipt of the grievance, the supervisor shall make careful inquiry into the facts and circumstances of the complaint and issue a written response within five working days. If the supervisor fails to respond in writing within five (5) working days of receipt of the grievance, the grievance shall be deemed denied and the employee may proceed to the next step.

**Step 2** - An employee who is dissatisfied with the decision of the immediate supervisor or does not receive a timely response may submit the grievance in writing to the department head within five (5) working days of the supervisor's response or within five (5) working days from the date the supervisor was required to respond. The employee should also submit a copy of the grievance to the Human Resources Director. The department head shall meet with the employee within five (5) working days of receipt of the grievance. The department head shall make a separate investigation and inform the employee of the decision and the reasons for the decision in writing within five (5) working days after the date of the meeting. In the event the department head fails to render a written decision within the five (5) day period, the grievance shall be deemed denied and the employee may proceed to the next step.

**Step 3** - If the employee is still aggrieved after Step 2, the employee or the employee's authorized representative, shall request in writing a review of the grievance by the City Manager. Such requests shall be accompanied by all the facts as to the nature of the grievance and all written answers given thereto and shall be presented within five (5) working days after the date of receipt of the department head's answer or the date on which such answer was due. The employee shall send a copy of the written request for review to their department head and the Director of Human Resources. The City Manager shall convene a meeting for the purposes of hearing the grievance within five (5) working days of the date of receipt of the request for review. The City Manager or a designated representative, plus the Human Resources Director and/or department head as appropriate, shall meet with the employee, the employee's representative, and any witnesses for the purpose of hearing the presented information and reviewing the grievance. Within five (5) working days of the date of the hearing, the City Manager shall render a decision in writing to the employee and the employee's representative and shall send a copy of the decision to the employee's department head and the Director of Human Resources.

The decision of the City Manager will be final. All materials related to the grievance and its resolution will be kept in the employee's personnel file.

## **SECTION 18 - EMPLOYEE RECOGNITION AND AWARDS**

The City recognizes and rewards its employees for outstanding achievement, service, safe driving and other valuable activities through several programs. In addition to those listed below, other awards and recognition may be given at the discretion of Mayor and Council or the City Manager.

### **Section 18.1 - Employee of the Quarter Award**

This is an award for up to three employees per calendar quarter who, in addition to being positive role models in their day-to-day activities, have demonstrated extraordinary service over and above what is expected or required. Their actions must have had a demonstrated positive effect on the organization, fellow employees and/or the public and must have occurred during the current or prior calendar quarter. If a group of more than three employees is nominated and selected for the award, they shall share the value of a total of three awards among the group.

Nominations: Nominations are accepted from employees and City residents, except those who are elected or appointed officials. Nominations must be written, signed and dated by the nominator and submitted to Human Resources. Forms for this purpose are available from Human Resources and the City's web page. All nominations on file at the end of a calendar quarter will be considered for that quarter. The Personnel Committee will meet within 30 days of the end of a quarter to evaluate the nominations and select the winners. At least six (6) members of the Personnel Committee must be present to constitute a quorum.

Awards: The winners will have their choice of awards, either a \$100.00 taxable bonus, or eight hours of annual leave. The awards will be presented, and nominees recognized, by the City Manager in a variety of ways, including a recognition ceremony and publication in the City's newsletters to residents.

Winners of the Employee of the Quarter Award are eligible to be considered for the Employee of the Year Award.

### **Section 18.2 – Spencer Harris Award**

This is an annual monetary award to the Public Works employee who best exhibits the high standard of public service embodied by the late Spencer Harris, a former dispatcher in the Public Works department.

Nominations are by and for Public Works employees and are collected during the month of December. The nominations are evaluated, and the winner selected by the Spencer Harris Award Committee composed of Public Works employees. Specific nomination and selection criteria are contained in the official Spencer Harris Award Nomination and Selection Memorandum maintained by the Public Works and Human Resources departments. The Spencer Harris Award Committee, by unanimous vote of all members, may amend the nomination and selection criteria at any time provided the changes are distributed to all Public Works employees before nominations are accepted in December. The award is presented at the annual Safety Breakfast.

The winner of the Spencer Harris Award is eligible to be considered for the Employee of the Year Award.

### **Section 18.3 - Miriam Wolff Award**

This is an annual monetary award to the administrative employee who best exhibits the high standards of dedication, integrity and public service embodied by Miriam P. Wolff, a former City Clerk.

Nominations may be made between October 1<sup>st</sup> and October 15<sup>th</sup> of each year. The nominations are evaluated, and a winner selected by an employee committee on or around November 1<sup>st</sup> of each year.

Specific procedures, nominations and selection criteria are contained in a procedural memo for that purpose. Changes may be made from time to time with input from the Personnel Committee and approval of the City Manager. The award is presented at an awards ceremony or the Holiday Party.

The winner of the Miriam Wolff Award is eligible to be considered for the Employee of the Year Award.

### **Section 18.4 – Employee of the Year Award**

The Personnel Committee will select the winner from among the winners of an Employee of the Quarter Award, the Spencer Harris Award winner, and Miriam Wolff Award winner for that calendar year.

The award will be presented at a ceremony open to all employees and the winning employee's family. The winner will receive a cash award of \$500.00. A press release will be published, and the winner's name inscribed on a permanent plaque in the lobby of City Hall.

### **Section 18.5 – City Manager's Award**

This is an award given to an employee selected at the sole discretion of the City Manager from categories that may include:

- a) Outstanding event or activity by an individual or group, or
- b) Distinguished Service by an individual, or
- c) Outstanding Manager.

The amount, type, regularity and presentation of the City Manager's Award are at the discretion of the City Manager.

### **Section 18.6 – Safe Driver Awards**

These are recognition awards for drivers of City vehicles who maintain a safe driving record for at least one calendar quarter and a full year.

A Safe Driving Record is defined as not being involved in a preventable accident, not incurring a moving citation (including citations generated from speed and red-light cameras) or a departmental safety violation while driving a City vehicle during the calendar

quarter or year. Any driver's license violations reported by the motor vehicle administration will be reviewed by the Safety and Risk Officer to determine if they would disqualify a driver.

Eligible employees must be assigned to a position that requires driving and maintain the appropriate valid driver's license for the entire calendar quarter or year under consideration. Employees in the following positions are ineligible for this award:

- a. City Manager;
- b. Assistant City Manager;
- c. Directors, Assistant Directors, and Managers;
- d. Probationary (new hire), temporary, and contract employees

The Safety and Risk Specialist shall be responsible for establishing the list of employees eligible for the Safe Driver Awards using information from the accident review files, automobile log reports, pre and post trip walk-around sheets, the employees' driving records, and any other related records.

#### Section 18.6.1 - Quarterly Safe Driver Award - Commercial Drivers' License (CDL)

At the end of each calendar quarter, all CDL drivers who have a safe driving record, and have driven at least 875 miles that quarter in a vehicle that requires a CDL operator, will be eligible for the award. The daily pre and post walk-around sheets will confirm the mileage where mileage in and out is recorded. Other related records may also be used. To be considered for an award, the driver is responsible for completion and submission of the information necessary to determine eligibility for an award.

One driver will be randomly chosen from the eligible pool to receive a \$25.00 gift certificate. Winning a quarterly award will not disqualify a driver from eligibility for the annual award.

#### Section 18.6.2 - Annual Safe Driver Award and Milestone Apparel- CDL Primary

To be eligible for consideration, CDL Primary drivers must drive at least 3,500 miles during the year in a City vehicle on City business confirmed by daily pre and post walk-around sheets where mileage in and out is recorded and other related records. The driver is responsible for completion and submission of the information necessary to determine eligibility for an award.

One (1) year of safe driving-----	\$75.00
Two (2) or more consecutive years of safe driving-----	\$150.00
Five (5) or more consecutive years of safe driving-----	\$200.00

To be eligible for consideration, CDL Combination drivers must drive at least 3,500 miles during the year in a City vehicle on City business confirmed by daily pre and post walk-around sheets where mileage in and out is recorded and other related records. The driver is

responsible for completion and submission of the information necessary to determine eligibility for an award.

One (1) year of safe driving-----	\$50.00
Two (2) or more consecutive years of safe driving-----	\$100.00
Five (5) or more consecutive years of safe driving-----	\$150.00

We continue to encourage our employees to practice good driving habits and prevent accidents despite the incorrect actions of others and adverse driving conditions. We take pride in their accomplishment and celebrate with them at these milestone years by providing workplace apparel that displays the accomplishment.

Safe Driver Apparel is awarded at milestone years as follows:

- CDL Safe Driver Milestone – 5 years (Fleece Hooded Sweatshirt)
- CDL Safe Driver Milestone – 10 years (Jacket)
- CDL Safe Driver Milestone – 15 years (Jacket)
- CDL Safe Driver Milestone – 20 years (Apparel of awardee’s choice)

#### Section 18.6.3 - Annual Safe Driver Award and Milestone Apparel - Non-CDL

To be eligible for consideration, non-CDL drivers must drive at least 3,500 miles during the year in a City vehicle on City business confirmed by daily automobile log reports and other related records. The driver is responsible for completion and submission of the information necessary to determine eligibility for an award.

One (1) year of safe driving-----	\$25.00
Two (2) or more consecutive years of safe driving-----	\$75.00
Five (5) or more consecutive years of safe driving-----	\$100.00

Safe Driver Apparel is award at the following milestone year for non-CDL drivers:

Non-CDL Safe Driver Milestone – 20 years (Jacket)

All safe driver awards will be presented at the annual Safety Awards breakfast hosted by the Public Works Department.

#### Section 18.7 - Time in Service Awards

Service pins and other recognition awards such as bowls, clocks or other similar gifts are awarded to all employees and members of the elected body. Awards are given on the following schedule:

Two (2) years of service	Service Pin
Five (5) years of service	Service Pin
Every five years thereafter up to twenty-five (25) years of service	Service Pin



Thirty (30) years of service and every five (5) years thereafter

Engraved Gift

### **Section 18.8 - Longevity Bonus Award**

A longevity bonus will be granted at service milestones beginning with twenty (20) years of service and every five (5) years thereafter as long as the employee has no break in service. The bonus will be a percentage of the employee's annual salary equal to a one (1)-step merit increase in the employee's pay grade. If the step increase percentages vary within the employee's pay grade, the highest percentage will be used for bonus calculation purposes. The bonus will normally be paid on the payday of the pay period in which the employee reaches the service milestone.

### **Section 18.9 – Retirement Award**

The City will award \$100.00 for each completed full year of service to employees at the time of their retirement as defined in Section 15.2.6.

If an employee retires with at least 25 years of service, the City will also provide up to \$500.00 to fund an event in the retiree's honor. If the retiree declines to have an event, the City will contribute \$100.00 in the retiree's name to a recognized charity of the retiree's choice.

## **SECTION 19 - POLITICAL ACTIVITY/CONDUCT OF EMPLOYEES**

No employee shall solicit or receive any money or thing of value from any other City employee for any political purpose during duty hours.

No employee shall, directly or indirectly, use or seek to use their official position, authority or influence to control or modify the political action of any other person, nor shall any employee, during duty hours, engage in any form of political activity including the display of political signs, buttons or any other public display of partisanship.

Employees running for a seat on the College Park City Council must resign immediately upon election or appointment. An employee may not be appointed to a City board or commission.

Employees may run for, and hold, an elected or appointed public office or position in any public jurisdiction other than the City of College Park, provided such office does not present a real, potential or perceived conflict of interest. An advisory opinion from the Ethics Commission may be sought on conflict of interest issues.

Persons in senior management positions within the City involved in the development and supervision of policies, such as the City Manager, Assistant City Manager, and Department Directors, and anyone in control of the operations of elections, such as the Supervisors of Elections, and staff in the Clerk's office, or adjudication of elections, such as the Ethics Commission, are not able to participate in City elections because this would interfere with efficient government operations and create an actual or potential conflict of interest.

Any violation of this section shall be deemed improper conduct and the violator shall be subject to disciplinary action.

Revised May 11, 2023

## **SECTION 20 - GIFTS AND GRATUITIES**

Employees shall not accept gifts, gratuities or loans from organizations, business concerns or individuals with whom they have contact while on official business or which are given with the intent of obtaining a special advantage from an employee in the performance of the employee's duties. These limitations are not intended to prohibit the acceptance of articles of negligible value (\$25.00 or less) that are distributed generally, nor to prohibit employees from accepting social courtesies which promote good public relations, nor to prohibit employees from obtaining loans on customary terms from regular lending institutions. It is particularly important that all employees guard against contacts that might be construed as evidence of favoritism, coercion, unfair advantage or collusion. Any violation of this section shall be deemed improper conduct and shall subject such employee to disciplinary action. Employees are required to submit disclosure statements in accordance with Chapter 38 - Code of Ethics, Code of the City of College Park.

## **SECTION 21 - RETIREMENT**

### **Section 21.1 - Retirement Plan/City Contributions**

Effective July 1, 2014, the City joined the Employees' Reformed Pension Plan, part of the Maryland State Retirement and Pension System. Upon hire, each employee scheduled to work over 500 hours per year must join the plan and contribute a fixed percentage of their biweekly pay. Information about the Plan will be provided during benefits orientation.

The City also provides a Defined Contribution Retirement Plan (401(a)) for eligible employees who elected not to join the Maryland State Plan in 2014 or were ineligible to join. If a new employee is ineligible for the State Plan because they are already collecting a State pension, they may join the 401(a) Plan. The City makes regular contributions on behalf of participants and the City's contribution is calculated as a percentage of the employee's gross salary. The percentage and frequency of City contributions and employee eligibility requirements are contained in the Plan document that is available for review upon request to the Human Resources Director.

Any reference to either the retirement plan or the Maryland State Pension Plan in these regulations that conflicts with either Plan is governed by the appropriate Plan document.

### **Section 21.2 - Deferred Compensation**

Employees have the option to contribute to a 457 deferred compensation account with pre-tax dollars. The City may or may not make matching contributions to these accounts as authorized by Mayor and Council.

### **Section 21.3 – Individual Retirement Accounts (IRA)**

Employees may also have the option to contribute to a Traditional or Roth payroll -deducted IRA.

### **Section 21.4 – Retirement Award**

Please see Section 18.9 for details about the City's Retirement Award and Section 15.2.6 for details about the sick leave payout at retirement.

## **SECTION 22 – SMOKING and TOBACCO FREE WORKPLACE**

A tobacco-free environment helps create a safe and healthy workplace. Smoking and secondhand smoke are known to cause serious lung diseases, heart disease and cancer. The City of College Park recognizes the hazards caused by tobacco use and exposure to secondhand tobacco smoke. Our policy to provide a tobacco-free environment for all employees and visitors was established to keep a safe and healthy workplace environment. This policy covers the smoking of any tobacco product and the use of oral tobacco products, chewing tobacco, e-cigarettes, and vaping products. It applies to all facilities and vehicles owned or operated by the City.

The City of College Park will assist employees who want to quit smoking by helping them access recommended smoking cessation programs and materials through our health insurance carrier.

### **Section 22.1 – Designated Outdoor Areas**

No use of tobacco and vaping products including cigarettes, e-cigarettes and chewing tobacco will be allowed within the facilities or vehicles of the City of College Park at any time.

Smoking, vaping or tobacco use shall be permitted only 25 feet or more away from building entrances, operable windows, and ventilation systems of enclosed areas to prevent smoke from entering those areas. All materials used for smoking and vaping, including cigarette butts and matches, must be extinguished and disposed of in appropriate containers.

### **Section 22.2 – Violation of policy**

Any violations of this policy will be handled through the standard disciplinary procedure.

## **SECTION 23 - SAFETY**

All employees are responsible for their own safety while at work. In addition, the City maintains an active safety program to help employees understand and mitigate any risks they might face at work. The Safety and Risk Specialist Officer coordinates this citywide safety program for all departments. The City expects cooperation with, and support of, all safety program objectives and procedures from every employee. All staff must work together to ensure the development and preservation of a safe work environment.

Safety program goals include:

- a) Inform and educate employees about the safety issues that impact their working environment and the safest way to perform each task.
- b) Reduce the health and safety risks to City employees and the general public.
- c) Reduce the number of accidents and on-the-job injuries and subsequent workers compensation claims.
- d) Reduce the amount of damage to City vehicles, equipment and property.

Department heads and supervisors are responsible for the implementation of safe work practices and shall work closely with the Safety and Risk Specialist to ensure all employees under their supervision are instructed in safe practices and properly trained to be aware of the hazards associated with their work.

### **Section 23.1 - Safety Committee**

The Safety Committee is a committee of employees, chaired by the Safety and Risk Specialist, which meets regularly to review and recommend safety-related issues and activities. The Safety Committee membership will be a cross-section of employees representing all departments. Each member shall be selected by the Director of each department and will serve a two-year term. Terms should be staggered so that the Committee has a number of experienced members as well as new members. The Safety and Risk Specialist will be responsible for maintaining and rotating the membership of the Committee.

### **Section 23.2 – Accidents & Accident Review Board (ARB)**

Any accident with property damage or personal injury which involves an employee shall be investigated by the Safety and Risk Specialist or her designee. The Safety and Risk Specialist will make the initial determination of whether an accident was non-preventable or preventable.

A non-preventable accident is an accident where the employee exercised all reasonable means to avoid the accident or when someone else was clearly at fault and the employee could do nothing to avoid the accident. In the case of a non-preventable accident determination, the Safety and Risk Specialist will prepare written notification of all factors that led to that determination. At the discretion of the Safety Officer, drug testing and an ARB hearing may be waived. A summary of this determination will be sent to the employee involved, the Department Director, and Human Resources for the employee's personnel file.

A preventable accident is an accident in which the employee failed to take reasonable action to avoid the occurrence or was in some way responsible for the accident.

In the case of a preventable accident determination, the Safety and Risk Specialist or designee will immediately escort the employee for alcohol and drug testing and any driving privileges will be suspended until a negative status is confirmed by such testing. The Safety and Risk Specialist will convene a meeting of the ARB within five (5) working days after a preventable accident occurs unless an extension is required or the employee admits the responsibility for the accident and waives their right to the hearing.

### **Section 23.3 – Accident Review Board (ARB) – Membership & Procedures**

Membership of the ARB shall be as follows:

- a. Management or supervisory representatives from Code Enforcement, Parking Enforcement, and Public Works;
- b. Representatives from Finance, Administration, Planning, or YFSS;
- c. Driver of a non-CDL vehicle;
- d. Driver of CDL vehicle;
- e. Union President or Officer; and
- f. Safety and Risk Specialist – Chair (non-voting).

Members of the committee will serve a two-year term, after which the department director will select another representative to serve on the committee. Terms should be staggered so there will always be experienced members and new members on the Committee. The Committee will elect a Vice-chairperson whose duties will include chairing the ARB in the absence of the Chairperson. The Chairperson will be responsible to keep track of the membership terms and request the appointment of new members in a timely manner.

A quorum of at least three members of the ARB, not including the Chair, must be present to hear any case. Any member who has a potential conflict of interest with an employee appearing before the Board should remove themselves from the hearing. The Chairperson or her designee may disqualify a member from the hearing if the member does not remove themselves.

An administrative employee may be assigned to take the minutes of the hearings and prepare and distribute reports, etc. An employee so assigned is not considered a member of the ARB and may not contribute to the proceedings other than in ways necessary to complete the administrative assignment. If an administrative employee is not available for a given hearing, the Safety and Risk Specialist is responsible for the administrative duties.

When the accident report indicates a mechanical failure, the Fleet Supervisor will be required to attend. The Fleet Supervisor will provide the Board with information relevant to the vehicle involved in the accident.

The Chairperson may also invite other witnesses or people who have information about the accident being reviewed to the hearing.

The Safety and Risk Specialist will notify all City personnel who are scheduled to appear before the ARB. Any employee involved in the accident being reviewed must attend the hearing. If applicable, the supervisor who investigated the accident must accompany the employee. An employee who is unable to appear when scheduled must notify the Safety and Risk Specialist twenty-four (24) hours in advance. The hearing will be rescheduled within five (5) working days of the employee's return to work.

After review of the facts, the ARB shall submit its findings and recommendations to the employee and their department director within two working days. The recommendations may include additional training and/or disciplinary action up to and including dismissal. The department director, in consultation with the Director of Human Resources, will have the final determination regarding appropriate disciplinary action. A summary of the hearing and the ARB's recommendation will also be sent to Human Resources for the employee's personnel file.



## **SECTION 24 - DRUG-FREE WORKPLACE POLICY**

The City of College Park is committed to providing a safe, healthy, and productive work environment. Consistent with this commitment, the City intends to maintain a workplace free of drugs and alcohol. Employees are expected and required to report to work on time and fit to perform their duties in a safe and efficient manner.

The City encourages employees to voluntarily seek help with drug and alcohol problems and offers a confidential Employee Assistance Program (EAP) for that purpose.

### **Section 24.1 - Individuals Covered by this Policy**

This policy includes all full-time, part-time, temporary employees, and applicants. It does not include elected officials or appointed Board and Committee members.

### **Section 24.2 – Prohibited Behavior**

It is a violation of this drug-free workplace policy to use, possess, sell, trade, and/or offer for sale alcohol, illegal drugs, cannabis, prescription drugs not being utilized as prescribed, or other intoxicants while on City property, on City time, while driving City vehicles, while driving personal vehicles while on City business, while on paid call or standby, or in other circumstances which adversely affect City operations or the safety of employees and others.

Prescription and over-the-counter drugs are not prohibited when taken in standard dosage or according to a physician's prescription. Any employee taking prescribed or over-the-counter medications will be responsible for consulting the prescribing physician and/or pharmacist to ascertain whether the medication may interfere with the safe performance of their job. If the use of a medication could compromise the safety of the employee, fellow employees, or the public, it is the employee's responsibility to notify their supervisor and call in sick or request a change of duty to avoid unsafe workplace practices.

The illegal or unauthorized use of prescription drugs is prohibited. It is a violation of this drug-free workplace policy to intentionally misuse or abuse prescription medications.

### **Section 24.3 Notification of Convictions or Loss of Driver's License**

Any employee convicted of a criminal drug or alcohol-related violation occurring in the workplace must notify Human Resources and their department director immediately after the conviction.

Any loss or limitation of driving privileges for any employee whose job requires a driver's license must also be reported immediately. The City will take appropriate action upon notification.

## **Section 24.4 Drug Testing**

Each applicant and employee, as a condition of employment, will be required to participate in pre-employment, post-accident, reasonable suspicion, return-to-duty, and follow-up drug and alcohol testing upon selection or request of management.

Employees with a commercial driver's license (CDL) will also be subject to random drug and alcohol testing according to regulations of the federal Department of Transportation (DOT) and this policy. Employees who do not have a CDL and are determined to be in safety-sensitive positions will also be subject to random drug testing.

Safety-sensitive positions include but are not limited to: employees who regularly operate or work in close proximity to City vehicles or motorized equipment; employees whose duties and activities may endanger the public health, safety, or welfare; and employees who direct the operations of those units or departments.

To ensure the accuracy and fairness of the program, all testing will include a screening test, a confirmation test, the opportunity for a split sample, review by a Medical Review Officer. In addition, to allow an opportunity for employees who test positive to provide a legitimate medical explanation, such as a physician's prescription, for the positive result. As well as an opportunity for the employee to have the sample tested by an independent lab at their own expense; and a documented chain of custody.

The City will pay for the first test and the confirmation test. The City will use a lab certified by the state of Maryland and the DOT to conduct tests for CDL drivers.

The substances that will be tested for are commonly abused or /or can affect the ability to perform the job safely and efficiently, such as alcohol, amphetamines, cannabinoids (THC), cocaine, opiates, phencyclidine (PCP), barbiturates, MDMA, and methaqualone. The lab will use the drug-testing panel that the DOT mandates for CDL testing.

Testing for the presence of alcohol will be conducted by analysis of breath, saliva, or blood. For the purposes of this policy, a positive result for the use of alcohol will be any blood alcohol concentration (BAC) that equals or exceeds 0.04 BAC.

Testing for the presence of the metabolites of drugs will be conducted by analyzing urine. Any amount that registers in the confirmed test will be considered a positive result as determined by the Medical Review Officer (MRO).

## **Section 24.5 Consequences**

Any non-probationary employee who tests positive for drugs or has a BAC of 0.04 or higher will be immediately removed from duty and suspended without pay for two additional days. Thereafter, the employee may be terminated; or the employee may be referred to a substance abuse professional for assessment and recommendations; required to successfully

complete recommended rehabilitation or treatment, including continuing care; required to pass a Return-to-Duty test and/or sign a Return-to-Work Agreement; and subject to ongoing, unannounced, follow-up testing (at the employee's expense) for a period of up to five years.

The employee may not return to work until cleared by the substance abuse professional and may use any accumulated sick and annual leave for required treatment following the suspension without pay. An employee who fails to follow through with any of these obligations will be terminated from employment.

If an applicant violates the drug-free workplace policy, the offer of employment will be withdrawn.

Any probationary employee who violates this policy will be terminated from employment.

An employee or applicant will be subject to the same consequences as a positive test if they refuse the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an imposter, will not sign the required forms, or refuses to cooperate in the testing process in such a way that prevents completion of the test in a timely manner.

Any alcohol test with a BAC result greater than 0 and less than 0.04 will be treated as reporting for work unfit for duty rather than having a positive result. For the first offense, the employee will be suspended without pay for the remainder of the workday and for one additional workday. The employee may use sick leave until they are able to return to work. Any subsequent violation could result in additional disciplinary actions, including termination of employment.

Policy violations other than positive test results will be handled according to the severity of the offense. Nothing in this policy prohibits the employee from being disciplined or discharged for other violations or performance problems.

## **Section 24.6 Assistance**

The City of College Park recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy:

- Encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.
- Encourages employees to utilize the services of qualified professionals to assess the seriousness of suspected drug or alcohol problems and identify appropriate sources of help.
- Offers all employees and their family members assistance with alcohol and drug problems through the Employee Assistance Program (EAP).

- Allows for the use of accrued paid leave while seeking treatment for alcohol and other drug problems.

Treatment for alcoholism and/or other drug use disorders may be covered by the employee's health insurance. However, the ultimate financial responsibility for recommended treatment belongs to the employee.

## **Section 24.7 Confidentiality**

All information received by the City through the drug-free workplace program is confidential communication. Medical information is maintained in files separate from the personnel file. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and policies.

## **Section 24.8 Questions**

Any questions regarding this policy or issues related to drug or alcohol use at work should be raised with the Department Director or the Director of Human Resources without fear of reprisal.

## **Section 24.9 – Medical Marijuana Policy**

The central purpose of this policy is to ensure workplace and public safety while considering the rights of those employees or potential employees who are authorized to use medical marijuana. This policy applies to those individuals who have a serious medical condition as certified by a physician and who have obtained a valid permit from the Maryland Medical Cannabis Commission.

The City of College Park will not refuse to hire, discriminate, threaten, retaliate, or terminate an employee solely because that employee or future employee has registered as a patient with the Maryland Medical Cannabis Commission as a medical marijuana user. It is the Employee's (or future employee's) responsibility to submit a letter to the Director of Human Resources attaching a copy of their medical card for safety sensitive positions.

The City of College Park will then enter into a discussion with the employee and, where applicable, the Employee's Health Care Provider to determine whether a reasonable accommodation is appropriate. If an accommodation is applicable, the employee must be free from the negative effects of medical marijuana while working.

The City of College Park may refuse to hire a potential job candidate, or transfer or terminate an existing employee who is certified to use medical marijuana, if their job is subject to federally- mandated drug-free workplace programs, such as CDL drivers; or requires the reporting of all positive drug tests, including positive tests for marijuana; or requires such duties as:

1. Working with pesticides and other chemicals that require permits issued by the federal or state government.

2. Performing any tasks which the City of College Park deem hazardous, safety-sensitive, or life threatening to either the employee, other City of College Park employees, or the public.

3. Working at heights; or

4. Operating any vehicle to conduct City business.

Maryland law does not prevent an employer from testing for use of cannabis (for any reason) or taking action against an employee who tests positive for use of cannabis (for any reason).<sup>1</sup> The City will discipline an employee for being under the influence of medical marijuana in the workplace when the employee's conduct or performance falls below the standard of work normally accepted for that position or their behavior demonstrates impairment.

Employees are not permitted to use medical marijuana while on duty.

#### **Section 24.10 – RECREATIONAL MARIJUANA**

As of July 1, 2023, Maryland law allows for the use of recreational marijuana. However, the City will continue to prohibit the use of marijuana for safety sensitive positions and those in federally regulated positions (*i.e.*, those subject to DOT regulations).

All employees under the influence of marijuana while at work will be suspended for that day. The City reserves the right to take additional disciplinary action, up to and including, termination.

Revised August 17, 2023

## **SECTION 25 - FINANCE**

### **Section 25.1 – City Credit Card**

No personal purchases may be charged to the City credit card. In the event that a charge cannot be separated between personal and business, reimbursement for the personal part of the purchase must be submitted to the Finance Department before the accounts payable payment process.

A receipt for each transaction must be attached to the monthly statement with a brief explanation of the business purpose for the purchase for the Finance Director's approval. The City Manager will subsequently review the statement and receipts at their discretion.

### **Section 25.2 – Purchase Orders**

Purchase orders are required, with or without encumbrance, under the following circumstances:

- a. For all purchases over \$3,000.00
- b. For any contract for goods or services included in the City's Capital Improvement Plan
- c. For any purchase where periodic, progress payments will be made.

Exceptions to the \$3,000.00 limit include the following:

- a. Payroll taxes, benefits and insurance premiums
- b. Utility bills such as water, gas, electric and telephone.
- c. Previously awarded multi-year contracts.

Nothing in this policy precludes the issuance of purchase orders for any amount below \$3,000.00.

The requesting employee and the department head must sign all purchase orders before forwarding to the Finance Director, then the City Manager, for approval.

Purchase orders for contracts awarded by the Mayor and Council shall indicate the date and motion number of the award and a copy of the motion or minutes should be attached to the purchase order.

Purchase orders issued on funds in the General Fund will lapse at the end of the fiscal year. Capital Project Fund purchase orders do not lapse automatically and may carry over into the next fiscal year.

## **SECTION 26 – EMPLOYEE RELATIONS and STANDARDS**

### **Section 26.1 – Customer Service**

Employees must exhibit the highest standards of work and conduct while on duty. Encounters with members of the public shall be conducted in a courteous manner. When approached, an employee shall respond to the person to the best of their ability. Employees who encounter difficult situations that they are unable to bring to a successful conclusion alone shall immediately request the assistance of a supervisor.

### **Section 26.2 - Attendance**

To function efficiently and provide services to its residents, the City needs a reliable workforce where all employees assume responsibility for their attendance and promptness.

The City recognizes that illnesses, injuries and emergencies occur and has established policies granting the use of leave for these instances. Where annual leave may be approved for use in some emergencies, the accumulation of sick leave is designed to protect an employee's income during absences due to illness or injury.

Supervisors are responsible for reviewing attendance records on a regular basis to maintain awareness of leave usage. Where leave policies are abused through unexcused or excessive absences and/or tardiness, appropriate disciplinary action may be taken up to and including dismissal.

### **Section 26.3 – Appropriate Dress**

It is important that City of College Park employees present a positive, professional image when at work. For those employees not required to wear a uniform, professional business-casual attire is the standard.

Using common sense and the guidelines below, every employee is expected to dress appropriately and project a positive, professional image when at work. Supervisors have the responsibility to ensure that their employees are dressed appropriately and interpret what is appropriate dress if there are any questions or concerns.

#### **Section 26.3.1 – Appropriate Dress Guidelines**

The following are examples of what is not appropriate dress at work at any time:

- a. Clothing, including hats, advertising an organization, business, team, retail establishment, place or thing. The exceptions are clothing with the City of College Park or University of Maryland seal, logo or wording or the logo placed on the clothing by the manufacturer (e.g. Polo pony or Izod alligator)
- b. Tee shirts not covered by a jacket or provided by the City;
- c. Clothing that is torn, cut, frayed or appears unclean or excessively worn;
- d. Undergarments worn in a manner as to be visible
- e. Flip Flops

- f. Shorts (walking or Bermuda length shorts may be permissible on Casual Fridays and during Summer Months – check with your supervisor);
- g. Athletic wear, leisurewear, sweat pants/suits, warm-up pants/suits or spandex worn as outer garments;
- h. Halter tops or any garment with spaghetti shoulder straps;
- i. Clothing that bares thigh, midriff, back, chest or shoulder;
- j. Opaque or see-through clothing.

#### **Section 26.4 - Uniforms**

Employees in uniformed positions or who have a need to wear uniforms and protective clothing shall be furnished these items without cost to the employee. Lost uniforms or uniforms damaged by other than normal wear will be replaced at the employee's expense. Uniforms issued may include clothing, rain gear, eye protection, gloves and shoes. Employees shall ensure that their uniforms fit appropriately, are clean, neatly worn and not obstructed or concealed by any other clothing or object while working. Uniformed employees will be assigned a locker to safeguard their uniforms and personal clothing and property. Employees may take uniforms home after duty hours but shall not wear them other than traveling to and from home and work, or when attending work-related functions.



## **SECTION 27 -ELECTRONIC COMMUNICATIONS AND SOCIAL MEDIA**

### **Section 27.1 – Electronic Communications (i.e. Computers, E-mail, Internet, Etc.)**

#### **Section 27.1.1 – Acceptable Use**

Employees using City computer hardware, software, networks, pagers, faxes, cell phones, wired phones, or any other electronic device or program for Internet access, e-mail, voice mail, texting, messaging, social media, video-sharing or for creating, accessing, receiving or transmitting documents, files or information of any type (collectively “Electronic Communications”) are representing the City of College Park. As such, their conduct should be ethical and lawful at all times. The Internet may be accessed for official City business and job-related activities. Unacceptable use of Electronic Communications can place the City and others at risk.

Employees are responsible for the content of all of their Electronic Communications. Fraudulent, harassing, profane, abusive, offensive or obscene Electronic Communications are prohibited. All Electronic Communications should be identified with the employee’s name. Employees may not obscure the origin of Electronic Communications and the Electronic Communications should not violate or infringe upon the rights of others. Employees are responsible for safeguarding their passwords to ensure that they are not improperly used by others.

All Electronic Communications attributed to the City or on behalf of the City must be approved in advance by the Events and Communications Manager.

#### **Section 27.1.2 – No Expectation of Privacy**

All Electronic Communications are considered public information and the property of the City with no right of privacy extended to the employee. The City reserves the right to access and monitor all Electronic Communications at any time, without further notice. All Electronic Communications can be accessed and reviewed by the City or disclosed to law enforcement officials or other third parties without prior consent of the sender or the receiver.

#### **Section 27.1.3 – Blocking Sites with Inappropriate Content**

The City of College Park has the right to utilize software that makes it possible to identify and block access to Internet sites containing material deemed to be inappropriate in the workplace.

#### **Section 27.1.4 – Prohibited Activities**

- Do not disclose any City confidential or proprietary information, or personal identifying information of anyone in the City, in online postings or publications without authorization.
- Do not post any information or engage in any online activity that violates applicable local, state, or federal laws, or professional rules of conduct. Obey the law and City ethics rules.
- Unlawful harassment or discrimination via Electronic Communications is strictly prohibited. Electronic Communications with derogatory or inflammatory content

regarding race, color, religion, sex, creed, gender, marital status, age, mental or physical disability, national origin or ancestry, sexual orientation, genetic information, pregnancy, status as a veteran, familial status, marital status, or any other consideration made unlawful by federal, state, or local laws are strictly prohibited.

- Streaming audio, video, and instant messaging via the Internet for non-City business is expressly forbidden at all times. This type of use limits bandwidth available for legitimate City purposes and creates a portal through which unauthorized users, viruses, and spyware could access the City's computer system.
- Internet access cannot be used for personal gain or advancement of personal views, for solicitation of non-City business, or any other activities that result in the disruption of the City network operation or interfere with personal productivity at work.
- Employees may not send/upload City copyrighted materials, proprietary information, or similar materials to third parties. Employees may not violate the copyright laws in regard to the receipt/download of electronic materials by copying and/or disseminating information, except for purposes falling under the category of "fair use".
- Do not use your City email address, City identification, or City attribution when publishing on personal online sites. Employees have a right to participate in social media and networks using their personal email address when not on working time. However, anything published by an employee should never be attributed to the City, or appear to be endorsed by or to have originated from the City. If an employee chooses to disclose their affiliation with the City in an electronic communication, they must treat all communications associated with the disclosure as professional communications governed by this and other City policies. When in doubt, check with the Communications Manager.
- Employees may not download licensed software without the express permission of the Information Systems Manager. Employees may not download unlicensed software at any time.

#### Section 27.1.5 – Personal Use

Brief and occasional personal use of the Internet is acceptable as long as it is not excessive or inappropriate, does not occur during working time, does not violate any of the prohibitions listed above, and does not result in expense to the City or diminishing of the bandwidth available to other users. Management reserves the exclusive right to determine whether any use is inappropriate, excessive, or violates this policy.

#### Section 27.1.6 – Records Retention

Electronic communications are government records and are subject to the City and departmental records retention policies with respect to storage and deletion. Upon notification

that a claim has been or is likely to be made against the City, all e-mail and other computer records related to that claim must be retained until authorization for deletion is given.

#### **Section 27.1.7 - Discipline**

Violations of this policy may result in disciplinary action up to and including termination and illegal activities may result in prosecution by the appropriate law enforcement agencies.

#### **Section 27.2 - City Cell Phones & Communication Devices**

The City provides cell phones or communications devices to certain employees to facilitate business communications between staff members and staff and operations personnel. City cell phones and communication devices are the property of the City of College Park.

Personal use of City cell phones or communication devices is discouraged. If such use occurs, and the personal calls, texts, and data usage contribute to the user exceeding the monthly allowance of cellular minutes, texts, or data, the user may be required to reimburse the City for any excess as a result of personal use.

#### **Section 27.3 - Personal Cell Phones & Communication Devices**

Except for emergencies, personal calls and communications should be limited while on duty. Lengthy communications should be conducted during a break or meal period.

Under no circumstances should an employee conduct a personal communication while dealing with a customer, member of the public or another employee on City business.

Videotaping, photographing, copying, recording or transmitting any images, text or audio using multipurpose cell phones or other communications devices on City premises or time for non-business purposes is strictly forbidden as a violation of privacy and/or security.

Some individuals may choose to use their personal cell phone or computer rather than a City-issued phone or computer to conduct all their City business. In these cases, the City may reimburse the individual a monthly portion of their cell phone expenses. The reimbursement for eligible staff will be the same as the cost of adding another cell phone line to the City bill, currently \$50/month. Please review Section 27.1 and be aware that your personal equipment may have to be reviewed by officials in the case of an investigation, review, or termination from employment with the City.

## **SECTION 28 – CITY PROPERTY AND EQUIPMENT**

The City provides a variety of equipment and property to employees. Each employee is responsible for proper care of this equipment. All equipment and uniforms provided by the City are to be returned upon termination of employment or the City will deduct the value of any equipment or uniforms not returned from the final paycheck. Each employee will sign an authorization at the time of employment or when receiving the equipment.

### **Section 28.1 – Use of City Vehicles**

The Public Works Director shall manage the City fleet and maintain a listing of vehicle assignments, provide dispatch and/or recovery on vehicles, and provide authorized maintenance. The City Manager shall approve all vehicle assignments.

#### **Section 28.1.1 – Vehicle Definitions**

*Take Home Vehicle:* If it is in the best interests of the City, the City Manager may assign a take home vehicle to an employee. A take home vehicle may be a car, SUV or pick-up truck and is specifically provided for use on official City business. Personal use is limited to commuting back and forth from home and the work site.

*Assigned Vehicle:* An assigned vehicle may be a car, SUV, pick-up truck or heavy truck used by an employee on a routine basis for official City business. Personal use is not authorized. The vehicle is picked up at a City facility at the beginning of the work shift and returned to a City facility at the end of the work shift.

Employees may take an assigned vehicle home only when operational conditions require it and with the approval of their department head who shall report this one-time use to the City Manager. Operational conditions may include:

- Early morning or late evening departure and/or arrival to or from trips on official City business.
- Weekend departure and/or arrival to or from trips on official City business.

#### **Section 28.1.2 – Personal Mileage in a City vehicle**

Personal use of a City vehicle is a non-cash taxable benefit. An employee who uses a City vehicle for personal use shall report the personal use mileage to the Finance Department to ensure that the economic value of the mileage is reported to the IRS by way of inclusion in the payroll reporting system.

Any employee who makes inappropriate use of a City vehicle will compensate the City for its use and mileage and may be subject to disciplinary action.

#### **Section 28.1.3 – Business Mileage in a Personal Vehicle**

Employees who use a personal vehicle on official City business shall maintain a log of such usage that details the date, miles and destination of each occasion. A claim for mileage expense reimbursement may be submitted to the Finance Department in accordance with IRS rules and City policy.

#### **Section 28.1.4 - Parking Rules for City Vehicles**

Employees using City-owned vehicles must park legally in accordance with State law and City ordinances.

#### Section 28.1.5 - Non-Employee Use of City Vehicles

The use or operation of City vehicles by other than City employees is strictly prohibited. Non-employees may be passengers in a city vehicle only with advance approval of the department director.

#### Section 28.1.6 - Safe Driving

All employees operating a City vehicle shall do so in a safe manner at all times. Drivers and passengers must use installed seatbelts for their intended purpose, as designed by the vehicle manufacturer. Compliance with all federal, state, and local motor vehicle laws and City policies is expected of all drivers and passengers.

### **Section 28.2 – City Property in Waste and Recycling Streams**

All articles and items put out as solid waste, bulk trash or recycling, whether or not they are on a schedule to be picked up, are deemed to be City property.

An employee may not remove anything from the waste, trash or recycling streams for any personal benefit unless specifically authorized by his department head. Unauthorized removal of items from the waste, trash or recycling streams is considered theft of City property and strictly forbidden and may result in disciplinary action up to and including dismissal.

### **Section 28.3 – Searches and Inspections**

Employees should have no expectation of privacy in any items they bring on to City property during the course of their employment or utilize during the performance of their employment duties (“Personal Property”). Nor should those employees have any expectation of privacy in property, equipment, or supplies provided by the City to the employee (“City Property”).

Please refer to the City’s Electronic Communications Policy, Section 27.1 for additional information.

Employees should be aware that all Personal Property and City Property may be subject to search and inspection at any given time. As such, if the City reasonably believes a search or inspection is necessary for non-investigatory, work-related purposes or for the investigation of work-related misconduct the City may search or inspect Personal Property and City Property without the employee’s prior consent or presence.

## **SECTION 29 - HUMAN RESOURCES and BENEFITS**

The City provides medical, dental and vision benefits to spouses and legal dependents of an employee. Verification of dependent status is required upon enrollment in the benefit and may be required periodically thereafter.

### **Section 29.1. – Dependent Eligibility for Benefits**

The following is a listing of the documents needed to confirm dependent eligibility for enrollment in health, dental and/or vision insurances.

SPOUSE:	Official State issued marriage certificate.
NATURAL CHILD:	Child's official birth certificate showing employee as the parent.
ADOPTED CHILD:	<u>After adoption:</u> A copy of the final signed adoption decree or State issued birth certificate. <u>Pending adoption:</u> A copy of the court order placing child or a copy of the placement letter from the adoption agency on their letterhead.
STEPCHILD:	Official State issued marriage certificate showing employee's marriage to child's parent and child's birth certificate showing the spouse as parent.
LEGAL WARD:	Copy of court appointed guardianship papers.
COURT ORDERED COVERAGE:	Copy of the court order or divorce decree requiring the employee to provide health and/or dental insurance for child or ex-spouse.

### **Section 29.2 – New Neighbor Homeownership Program**

Employees who reside in the City they serve have a vested interest in helping to make the City a good place to live. To encourage employees to buy a home in the City of College Park, the City offers the following incentive:

On a first-come, first-served basis, eligible buyers, or buyers of eligible homes may receive a grant of either \$5,000 or \$10,000 in down payment or closing cost assistance. Funds are provided at settlement and grant funds may be combined with other federal, state, and local homeownership assistance programs. Applicants must agree to live in the property as their primary residence for a minimum of 5 years.

At the employee's request, the City will provide a letter of program eligibility, and the dollar amount available to the employee, for presentation to the employee's financial institution. Please contact the Planning department for more information.

#### **Section 29.2.1 – New Neighbor Homeownership Eligibility Requirements**

- A full time or part time employee eligible for benefits, and

- Minimum of one (1) years' service, and
  - The home to be purchased must be located within the corporate boundaries of the City of College Park and owner-occupied after purchase.
  - Annual leave sellback application forms are available from Human Resources. A copy of the deed or executed sales contract should be attached to the completed application form and returned to Human Resources for processing. This should be submitted two weeks prior to settlement if the check is to be made payable to other than the employee.

## **Section 29.3 – Commercial Drivers' Licenses - Benefit**

The City provides benefits for those employees required to hold a valid Commercial Driver's License (CDL) in order to perform the essential duties and responsibilities of their positions and to other Public Works employees as an encouragement to acquire a CDL and earn advancement. These benefits are not available to temporary or new hire probationary employees.

### **Section 29.3.1 - Employees with a CDL**

The City will pay for the physical examination necessary to get a regular one-year or two-year DOT card provided the examination is performed at a City approved medical facility. An employee may use his or her primary care physician for the DOT examination at his or her own expense, but the City retains the right to have a confirming examination performed. If the results differ, the results from the City approved medical facility will prevail. Once the one-year or two-year DOT card is obtained, the City will reimburse the employee for the MVA cost of renewing their CDL.

Interim physicals and follow-up testing that are required because the employee does not medically qualify for at least a one-year DOT card will be the employee's responsibility. The City will not pay for or reimburse for any expenses related to medical appointments for follow-up testing.

### **Section 29.3.2 - Employees without a CDL**

The City will pay for the physical examination necessary to get a one-year or two-year DOT card with the understanding that the employee will acquire a CDL with airbrake endorsement in a predetermined period of time. The physical exam must be performed by a provider approved by the City.

The employee will have two (2) months from the date of the physical in which to acquire a learner's CDL. The employee will then have six (6) months from the date of acquiring a learner's CDL in which to acquire a regular class B CDL with airbrake endorsement. If these time parameters for acquiring a CDL are not met, the employee will be required to reimburse the City for the cost of the DOT physical and any MVA or other fronted costs.

The employee must sign an agreement to this effect before the physical examination to acquire a DOT card will be scheduled.

## **Section 29.4 – Employee Wellness Policy**

The City of College Park supports the overall health and wellbeing of its employees. A healthy workforce results in a more productive workforce with less absenteeism, fewer accidents and lower health care demands. City employees are encouraged to participate in wellness program activities in order to reduce health risks before serious health problems occur and to improve management of existing health conditions.

### **Section 29.4.1 – Activities for Employee Wellness**

The City of College Park encourages healthy lifestyles by:

1. Forming a Wellness Committee with members from several departments to assist with developing and implementing ideas and programs for employee wellness.
2. Communicating and promoting wellness programs and health improvement through the City's Wellness Committee, intranet posts, and Human Resource emails.
3. Encouraging the inclusion of healthy food options in City vending machines and at meetings and special events.
4. Encouraging employees to utilize breaks for walking, stretching, or other physical activity.
5. Promoting the use of stairs.
6. Providing educational resources and seminars that promote exercise, good nutrition and healthy lifestyles.
7. Raising awareness among employees regarding the importance of lifestyle behaviors that promote good health: and providing employees information and resources on how to make changes that reduce risk for chronic diseases.
8. Offering an annual Health Fair that includes vaccinations and vital health information.
9. Providing an annual wellness reimbursement for the purposes of buying exercise equipment and/or joining an exercise class or gym. (see attached guidelines)
10. Providing a wellness incentive, when available, to participate in targeted wellness initiatives for the year.

### **Section 29.4.2 – Guidelines for Wellness Reimbursement**

1. Must be regular City employee working over 20 hours per week with a minimum of one year of service.
2. Reimbursement is up to \$125 per fiscal year for a full-time employee. Amount will be prorated for part-time employees working more than 20 hours/week.
3. Items must be for employee's use.
4. Items eligible for reimbursement are those that are intended to improve your long-term health and wellness. They include, but are not limited to:
  - a. Fitness classes
  - b. Gym memberships
  - c. Weight loss program fees (not including food)



- d. Exercise equipment to be utilized on a long-term basis, such as:
  - i. Treadmill
  - ii. Nordic track
  - iii. Personal trampoline
  - iv. bicycle
- e. Exercise videos
- f. Reusable medical equipment not otherwise covered by insurance, e.g.,
  - i. Blood pressure monitor
  - ii. Heart monitor
- g. Personal equipment, such as:
  - i. Tennis rackets,
  - ii. Bike helmets
- 5. Items not eligible for reimbursement include, but are not limited to:
  - a. Tennis balls, soccer balls, basketballs, etc.
  - b. Massage, reiki, aroma therapies
  - c. exercise clothing, shoes
  - d. Portions of membership fees that are for family members (above the cost for the employee's membership)
  - e. Co-pays and deductibles not covered by health insurance and other services covered by health insurance
  - f. Entry fees for competitions
- 6. Employee must sign certification form to be reimbursed.

Revised May 23, 2023

## **SECTION 30 – TRAVEL POLICY**

The City Manager encourages employees to attend professional or technical conferences or short-term courses in matters relating to official duties. Generally, each department has budgeted funds for travel and training, however budget approval does not guarantee Director and City Manager approval. With appropriate preapproval, travel expenses may be reimbursed to employees attending such meetings, including registration, transportation, meals, and lodging.

An individual traveling under this policy is expected to exercise reasonable care in incurring travel expenses. Excess costs, circuitous routes, luxury accommodations and/or meals solely for the convenience or personal preference of the employee are not reimbursable under this policy. Employees will be responsible for any expenses incurred for personal preference or convenience.

Approved conferences, meetings and training courses are expected to benefit employees in the performance of their job. Employees have an obligation to make every effort to achieve that objective while attending a conference, meeting or training. Employees must conserve City resources and ensure that the City obtains a reasonable return for money expended. Approval in the budget process does not replace the process below.

### **Section 30.1 – Definitions**

Day travel: Travel to or from a location outside the employee's typical work location for purposes of attending meetings, conferences or seminars where the location is within 50 miles of the employee's work location or home, whichever is closer.

Overnight travel: Approved travel to or from a location outside the employee's typical work location for purposes attending meetings, conferences or seminars where the location is more than 50 miles from the employee's work location or home.

### **Section 30.2 -Allowable Expenses**

All overnight travel requests, including estimates of all expenses, must be pre-approved by the Department Head and the City Manager (or designee), on the applicable travel form at least 30 days in advance of the trip, unless authorized by the Department Director and the City Manager. Employees must complete a travel reconciliation of actual costs incurred while in travel status within 30 days of the return from the trip.

A conference itinerary, showing conference dates, starting and ending times, and meals provided is required to be provided with the pre-approval request and with the travel reconciliation.

All expenses are required to be documented with detailed receipts, showing the amount, date, place, and type of expense, when the expense is not related to per diem. Employees incurring expenses for mileage for day travel should utilize the Mileage Reimbursement Form and include your personal mileage log or documentation of distance from an online mapping source such as MapQuest. Use of a city credit card is encouraged whenever possible.

#### **Section 30.2.1 – Transportation**

Employees should use the mode of transportation that will enable them to make the most productive use of their time at the least personal inconvenience and at the lowest overall cost. Generally, transportation costs such as mileage, vehicle rental, taxi service, bus, train or airfare, tolls, purchase of an environmental carbon offset credit, travel insurance when the cost is reasonable and there is a chance for disruption in travel, and parking incurred for necessary business travel are allowable expenses. Employees are expected to obtain the lowest available cost that reasonably meets business travel needs. Employees should carpool and use shared travel arrangements whenever possible. In the event the employee wishes to return to/from another location, the City will pay/reimburse for whichever location is less expensive.

- **City-Owned Vehicles** - City vehicles will be used to the maximum extent practical in performance of day travel. City vehicles should also be used for overnight travel when the use of a City car would result in savings of substantial time or money. Parking, tolls, and gasoline for city-owned vehicles while traveling are eligible expenses.
- **Mileage for Privately-Owned Vehicles** – Employees may use personal vehicles only when it is determined to be advantageous to the City, or when City vehicles are not available. Mileage reimbursement from the shorter of an employee’s home or office will be reimbursed based on the IRS mileage rate.
- **Rental Car** - Rental car is permitted at destination when it is less expensive than other transportation modes such as taxis, airport limousines, and airport shuttles. Rental car insurance and add on fees should not be accepted. Employees must have rental insurance covered by their personal vehicle insurance.

Individuals driving City-owned vehicles or rental cars must have a valid driver’s license issued within the United States as well as automobile insurance. Employees requesting mileage reimbursement or use of a City vehicle are responsible for notifying the City if they do not have a valid driver’s license or are not insured.

- **Taxicabs, rideshares, Uber, Lyft, etc.** - The use of ride services will be limited to travel to and from the airport and to and from the hotel and the location of the conference, meeting, or event. Where possible, airport shuttle services should be the preferred mode of transportation between the airport and hotel, as they are normally more cost effective.
- **Airfare / Train travel** – expenses incurred for airfare or travel by train are eligible expenses. Employees are encouraged to find the most reasonable price available and plan far enough in advance to obtain preferred pricing. Reasonable baggage fees will be reimbursable.

## Section 30.2.2 - Meal Allowances

The City will cover the cost of meals, tips (up to 20%), and incidentals up to a maximum of the rates established in the federal per diem guidelines. Receipts are no longer required. Each meal is valued at a specific percentage of the total per diem for the city or region. The Finance Department will provide that information whenever requested. first and last day of travel or during day travel should include only meals that are reasonable within the time of travel. Tips for housekeeping, snacks, etc. will be counted toward the per diem. Please use <https://www.gsa.gov/travel/plan-book/per-diem-rates> for each city or regions rate.

## Section 30.2.3 – Lodging

Generally, the cost of overnight lodging (room rate and required fees and taxes only) will be allowable when in Overnight Travel status. Lodging costs are limited to single occupancy expense.

Conferences often reserve a block of rooms at hotels close to the conference meeting space. When attending a conference, employees are encouraged to stay at one of these hotels whenever possible to facilitate networking opportunities if the hotels are reasonably priced. Employees should make reservations early enough to obtain conference pricing. If a conference-sponsored hotel is not available, the employee is expected to stay at the lowest cost hotel that reasonably meets business needs. The employee should utilize government rate accommodations when feasible.

The City will reimburse overnight lodging for dates needed to attend the conference and preconference activities only. This may include lodging for the night prior to the beginning of the conference when necessary. Typically lodging is not covered for the night of the last day of the conference. In cases where the employee wishes to add additional time to their trip, the additional lodging would be paid by the employee. No meals should be listed on lodging receipts submitted to the Finance department.

## Section 30.3 - Ineligible expenses

Personal expenses or additional costs incurred due to an employee's desire to bring other individual(s) along are the responsibility of the employee. The following are also specifically not reimbursable:

- Fines or penalties imposed for traffic, parking, or other violations;
- Airline club memberships;
- Airline upgrades;
- Childcare, babysitting, house-sitting, or pet-sitting/kennel charges;
- Commuting between home and the primary work location;
- Costs incurred by employee's failure to cancel travel or hotel reservations in a timely fashion;
- Personal entertainment expenses including in-flight movies, headsets, health club facilities, hotel pay-per-view movies, in-theater movies, social activities and related incidental costs;
- Loss of funds or personal belongings while traveling;

- Other personal-related expenses.

## **SECTION 31 – TELEWORK POLICY**

The City of College Park ("City") is committed to increasing employee productivity, reducing absenteeism, and improving talent recruitment by providing employees with work alternatives that enhance the employees' work-life balance. Telework (also known as telecommuting) is a work alternative that the City offers to eligible employees when beneficial to both the City and its employees. However, if not properly managed, teleworking can cause personnel problems. Teleworking does not change the terms and conditions of employment with the City and must not interfere with operational business needs or the delivery of City services. It is permitted only where it is a clear, viable work option that also benefits the City.

### **Section 31.1 – Purpose**

The purpose of this Policy is to establish the rules for the use of an alternate work location for employees to perform their usual job duties away from their assigned main office location. The alternative work arrangement is intended to help the City recruit and retain excellent employees, to provide more flexible work arrangements for eligible employees; and to assist in the community effort to reduce outdoor air pollution and traffic congestion attributable to automobile travel.

The telework option is not an employee benefit – it is a management option that provides an alternative means to fulfill work requirements. Participating in a telework program is strictly voluntary – all employees have the right to refuse telework. The employee's compensation, benefits, work status, and work responsibilities will not change due to participation in the telework program. The Policy serves to provide an effective way to meet the needs of the City, its employees, and the community.

### **Section 31.2 – Scope**

This Policy applies to all eligible full-time and part-time employees who have successfully completed the City's initial probationary period and who have high job performance. It is an arrangement between the City and an employee that allows an employee to work at a remote workplace for part of the workweek as long as the teleworking does not negatively impact the employee's productivity or adversely affect the operation of the department or office. Employees are expected to telework as if reporting to work.

### **Section 31.3 – Definitions**

- a) **Alternate Work Location:** An approved worksite other than the employee's assigned main office location where official City business is performed.
- b) **Dependent Care:** The care provided to infants, toddlers, preschoolers, school-aged children, or adults and elderly adults.
- c) **Main Office Location:** The assigned City office location of the employee.

- d) Telework: An alternative work arrangement under which an employee performs the duties and responsibilities of the employee's position, and other authorized activities, from an approved worksite other than the employee's assigned main office location.
- e) Telework Agreement: The written agreement between the supervisor and employee that details the terms and conditions of an eligible employee's work away from their assigned main office location. Telework agreements are required for eligible employees who are authorized to telework.
- f) Situational Telework: Telework approved for a specific days where hours worked are NOT part of a previously approved, ongoing, and regular telework schedule. Examples include, but are not necessarily limited to, inclement weather, state/national emergencies, or a unique work assignment that requires minimal interruptions. Situational telework should not be requested nor permitted more than four days in a 12-month period. Approval must be documented by the department director.

### **Section 31.4 – Eligibility**

Participation of employees in the telework program will vary among departments depending upon the operational business needs of the department and the functions and responsibilities of employees. The initial determination of an employee's eligibility to telework is at the discretion of the department director. In determining whether an employee is eligible to telework, the director must consider whether:

- a) Service delivery to internal and external customers will be maintained.
- b) The department will maintain adequate coverage during normal business hours.
- c) The employee has performed their job responsibilities at a high level before submitting the telework request, as evidenced through current observations and their most recent performance management plan evaluation.
- d) The employee is able to maintain a high quality of work with minimal supervision.
- e) The position has clearly defined deliverables and measurable tasks, and productivity may be effectively quantified with minimal supervisor observation.
- f) Confidentiality will not be compromised, and the arrangement does not require the physical removal of confidential files from the workplace.
- g) There have not been any disciplinary issues during the past year, especially in the areas of reliability, punctuality, and attendance.
- h) The employee has completed the probational period.

### **Section 31.5 – Limitations on Eligibility**

No employee is entitled or guaranteed the opportunity to telework or to the continuation of telework. Teleworking is not appropriate for all employees and positions. An employee is not eligible to telework if:

- a) The employee's day-to-day essential job functions include:
  - (1) Continuous in-person customer service.
  - (2) On-site activity that cannot be handled as well remotely or at an alternative work location.
- b) The employee has been disciplined for having a pattern of excessive absenteeism.
- c) The employee has been disciplined for violating the Electronic Communication policy as noted in Personnel Regulations, Section 27.
- d) The quantity or quality of an employee's work is unsatisfactory.

### **Section 31.6 – Conditions**

To participate in the telework program, eligible employees must:

- a) Submit a signed Telework Agreement to the department director for initial approval. A photograph of the alternate work location and designated workspace must accompany the Telework Agreement. If approved by the director, the Agreement must then be approved by the Human Resources Department prior to the start of teleworking. The Telework Agreement must be refiled by the employee whenever:
  - (1) The employee has a change in direct supervision.
  - (2) The employee changes their position, regardless of whether the new position is in the same or a different department.
  - (3) There is a change in the employee's job classification.
  - (4) The initial approval period has expired.
- b) Acknowledge and agree that:
  - (1) A specific workspace is designated at the alternate work location.
  - (2) The employee's alternate work location will be considered an extension of the City's main office location.



- (i) The City will continue to be liable for job-related accidents of employees in the alternate work location while engaged in teleworking for the City.
  - (ii) Workers' compensation liability is limited to the alternate work location when engaged in teleworking for the City.
- (3) An employee's supervisor and the Safety and Risk Specialist must be notified of a job-related injury at the alternate work location within 24 hours.
- (4) The City of College Park is not liable for any damages to the employee's personal or real property where the telework is being performed.
- (5) Teleworking is not a substitute for dependent care. Employees must maintain the same arrangements for dependent care when working at their assigned alternative work location as they make when working at their designated main office location.
- (6) The supervisor retains the right to require an employee who teleworks to commute to a City office on a regularly scheduled telework day should an unexpected work situation warrant such an action.
  - (i) If the employee is frequently required to return to a City office during a regularly scheduled telework day, the supervisor may reevaluate the compatibility of the employee's position and job responsibilities with teleworking.
  - (ii) The Telework Agreement may be terminated by the director or employee upon one (1) week written notice to the other party. In cases involving a violation of City Policy, teleworking privileges may be terminated immediately without prior notice.
- (7) Situational telework may not be requested nor permitted more than four days in a 12-month period.

### **Section 31.7 – Compensation**

- a) Teleworking employees' pay and benefits are unaffected by teleworking.
- b) Overtime is not allowed unless pre-approved by the department director.

### **Section 31.8 – Supplies and Equipment**

The City of College Park will not reimburse a teleworking employee for equipment necessary to function in a teleworking environment.

- a) Employees may choose to use their own technological equipment for telework if the following conditions are met:
  - (1) The equipment complies with the City's electronic communications and security requirements, as set out herein.
  - (2) The equipment must have up-to-date virus protection and licensing software.
  - (3) The employee is solely responsible for any repairs and maintenance of employee-owned equipment.
  - (4) All City data and information must be stored on the City's network and not on the employee's personal equipment.
  - (5) The City does not assume any liability for loss, theft, damage, or wear of employee-owned equipment due to the telework-related activity.
- b) Employees using employee-owned equipment to conduct telework-related activity subject their hard drive, software, and/or any other type of electronic storage media to the possibility of a lack of privacy, including the equipment being subpoenaed, due to legal action taken against or by the City.
- c) An employee shall use the following equipment when provided by the City when working at the alternate work location:
  - City laptop or similar with secure communications link via Virtual Private Network (VPN) service.
  - Additional equipment/software service as required and available on a case-by-case basis.

City-owned and supplied equipment is to be used for City business only. When a telework agreement is terminated, the employee must return all City-owned/supplied equipment and software and request cancellation of all services paid for by the City within five (5) business days.

The City will not reimburse telework employees for the following costs/services:

- Internet connection cost
- Telephone cost
- Furniture
- Increases in the employee's home utility cost or homeowner insurance rates

### **Section 31.9 – Confidentiality and Proprietary Information**

Teleworking employees are responsible for the safety and integrity of all City data and information. Generally, hard copy confidential and proprietary information that is not accessible to the general public shall not leave the assigned main office location. When teleworking and accessing City data and information electronically, employees must maintain the same level of confidentiality of all City information as they would at their main office location.

Disclosing confidential or proprietary information is strictly prohibited without supervisor approval. Employees shall take the necessary precautions to ensure that confidential and proprietary information is protected while in transit between the main office location and alternative work location. Failure to exercise due care in safeguarding the City's confidential and

proprietary information is a job performance matter and will result in disciplinary action, up to and including termination.

### **Section 31.10 – Hours/Availability**

A regular telework schedule must be established and approved before starting the work arrangement by the teleworker's director and the Director of Human Resources. The number of hours the employee is expected to work per day or per pay period will not change due to participating in the telework program.

Teleworking employees are required to be available by phone during scheduled hours, except for the lunch period. All teleworking employees must forward their office phone number to the cell phone they will use at the alternate work location.

### **Section 31.11 – Roles And Responsibilities**

**Employee Responsibilities.** Eligible employees who wish to telework shall:

- a) Initiate the telework approval process.
- b) Ensure that personally owned telework equipment is compliant with IT and security standards.
- c) Submit accurate bi-weekly timesheets indicating hours worked on-site and at the alternative work location and note on timesheet all work interruption or leave taken during work hours.
- d) Maintain the same level of safe working conditions at the alternative work location as is maintained at the main office location.
- e) Report any job-related injury at their alternative work location to their direct supervisor within 48 hours.

**Department Directors Responsibilities.** Each Department Director shall:

- a) Make a determination of whether employees within their Department are eligible to telework and to preliminarily approve/disapprove telework agreements after consultation with the employee's supervisor, if any. The directors shall forward the agreements to Human Resources for final approval.
- b) Inform Human Resources of any proposed changes to the Telework Agreement or the termination of a Telework Agreement.
- c) Ensure that department employees who are teleworking are doing so according to the terms of a current Telework Agreement.
- d) Monthly, provide all approved telework schedules to everyone in the department and Human Resources.

**Supervisor/Manager Responsibilities.** Supervisors/Managers of eligible telework employees shall:

- a) Provide input on Telework Applications.
- b) Hold regularly scheduled conferences with the telework employee to discuss assignments during the telework period and any work-related issues while at the alternative work location.

**Human Resources Department Responsibilities.** The Department of Human Resources shall:

- a) Review all Telework Agreements for completeness and signatures and provide final approval or disapproval of the agreement.
- b) Upon the request of a department director, bring to the City Manager Telework Agreements that have been disapproved by Human Resources.
- c) Save a signed copy of the agreement form in the employee's official personal file.
- d) Maintain a record of all Telework Agreements within the City.

## **SECTION 32 COVID -19 POLICY**

The City of College Park continues to provide a safe and healthy workplace, to all staff, and services to city residents and the public that are free of health hazards.

Since March 1, 2020, the City of College Park has continued to provide Administrative Leave to eligible employees in certain COVID-19 related circumstances. On Monday, April 10, 2023, the Biden-Harris Administration terminated the national emergency related to the COVID-19 pandemic and has sunset the COVID-19 public health emergency declaration on Thursday, May 11, 2023. **To align with the federal government, the City will no longer provide this benefit at the close of business on June 15, 2023.**

What does this mean for employees?

### **Section 32.1 - Sick Leave**

Employees will be required to use their sick leave in accordance with the City's rules and regulations after June 15, 2023, for any COVID-related illness. COVID will now be considered an illness as if you had the flu.

### **Section 32.2 - Confirmed Exposure or Confirmed Case of COVID-19**

If an employee had a confirmed exposure to COVID-19 or a confirmed case of COVID-19, they should seek medical guidance from their primary care provider and notify their supervisor. Employees are expected to follow CDC guidelines for COVID-19 exposure and confirmed diagnosis.

### **Section 32.3 - COVID-19 Resources**

For any COVID-19 or employee support questions or concerns, employees may contact Human Resources at 240-487-3533 or [humanresources@collegeparkmd.gov](mailto:humanresources@collegeparkmd.gov).

## **SECTION 33 ADOPTION OF PERSONNEL REGULATIONS**

### **Section 33.1 – Regulations Repealed**

All regulations in conflict with the provisions of these regulations are hereby repealed. In the event of a conflict between these regulations and the City Charter and Code, the City Charter and Code will prevail.

### **Section 33.2 - Contract Disclaimer**

Policies set forth in these regulations do not represent contractual obligations of the City of College Park and are designed to inform employees as to the policies, benefits and other programs of the City of College Park currently in effect. Employment with the City of College Park is an “At-will Employment” relationship. The City Manager and Mayor and Council, as appropriate, reserve the right to alter the policies without notice and will provide employees with updated information as changes occur. Unless specifically authorized, no employee of the City of College Park may commit the City to any agreement or obligation with any employee without the consent of the City Manager or Mayor and Council, as appropriate, except as may be authorized by the Charter and Code of Ordinances of the City of College Park.

### **Section 33.3 - Effective Date**

These Personnel Regulations shall become effective on the date adopted by the Council or approved by the City Manager, as appropriate.

### **Section 33.4 - Changes**

Any additions, deletions, updates or amendments to these regulations shall be distributed to all employees as necessary.

### **Section 33.5 - Receipt of Personnel Regulations**

Each employee shall receive a copy of these Personnel Regulations and shall acknowledge receipt in writing.

### **Section 33.6 - Saving Clause**

If any section of these regulations is found to be invalid by duly constituted authority, it shall not affect the validity of the balance of these regulations and policies.